

**MISSOURI
HOUSE OF REPRESENTATIVES**

**REPORT TO THE SPEAKER ON:
CHILD ABUSE REPORTING LAW
DECEMBER 1985**

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**By the Interim Committee on
CHILDREN, YOUTH AND FAMILIES**



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OFFICE OF THE SPEAKER

BOB F. GRIFFIN
314-751-2700

STATE CAPITOL
JEFFERSON CITY, MISSOURI

MISSOURI
HOUSE OF REPRESENTATIVES

August 1, 1985

Representative Kaye Steinmetz
13 Longhenrich Drive
Florissant, Missouri 63031

Dear Kaye:

Please be advised that as of this date I am appointing an Interim Children, Youth and Families Committee to study possible abuses of the Child Abuse Reporting Law. The following Representatives will serve on this Interim Committee: Kaye Steinmetz, Chairman, Doug Harpool, Steve Banton, Marion Cairns, Pat Dougherty, Chris Graham, Mary Kasten, Gene Lang, Judy O'Connor and Sue Shear.

I expect most of the Committee's work will be done in Jefferson City. However, should the Committee's work entail the Committee traveling out-state or out-of-state, please submit an agenda for approval to my office before any traveling occurs.

Very truly yours,



BOB F. GRIFFIN
SPEAKER

BFG:sm

cc: All Committee Members
Darrell Jackson✓
Steve Bauer

KAYE H. STEINMETZ
MISSOURI HOUSE OF
REPRESENTATIVES DISTRICT 74

CHAIR—CHILDREN,
YOUTH & FAMILIES

APPROPRIATIONS FOR
SOCIAL SERVICES &
CORRECTIONS

ELEMENTARY &
SECONDARY
EDUCATION

PUBLIC EMPLOYEE
RETIREMENT
(Joint Statutory)

CHAIR—MISSOURI
CHILDREN'S SERVICES
COMMISSION

December 1985

The Honorable Bob Griffin, Speaker
Missouri House of Representatives
Room 308 State Capitol
Jefferson City
MO 65101

Dear Mr. Speaker:

The Interim Committee on Children, Youth and Families has completed its work on the study of the abuses of the Child Abuse Reporting Law and submits the attached report.

An organizational meeting was held to allow input from the Department of Social Services-Division of Family Services which is interested in this area. In addition, open hearings were held in three locations across the state-Springfield, Kansas City and St. Louis. Every effort was made to inform the public about our meetings, and the participation from most communities was good. Witnesses were usually people who work with children and have expertise in the issue, but we also heard from concerned citizens and foster parents. This balance between the expert witnesses and the public made each hearing valuable and informative. Written testimonies are included and all witnesses are listed.

Members of the Committee and the staff are to be commended for their loyalty and hard work. These dedicated efforts will lead to drafting of possible legislation to revise the sensitive areas of the current statute.

Thank you for the opportunity to improve services for Missouri's children and youth.

Sincerely,

Kaye H. Steinmetz

KAYE H. STEINMETZ, CHAIR

Children, Youth and Families Committee
"Government ... of, by, and for the People"

KHS/mr
CAPITOL OFFICE:
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2230 SPOONWOOD LANE
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MISSOURI
HOUSE OF REPRESENTATIVES
JEFFERSON CITY 65101

December 1985

The Honorable Bob Griffin, Speaker
Missouri House of Representatives
Room 308 State Capitol
Jefferson City
MO 65101

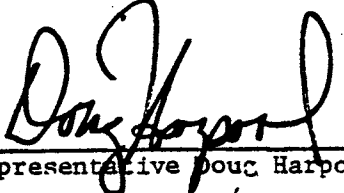
Dear Mr. Speaker:

The undersigned members of the Interim Committee on Children,
Youth and Families have completed our study of the abuse of
the Child Abuse Reporting Law and submit the attached report.


Representative Kaye H. Steinmetz

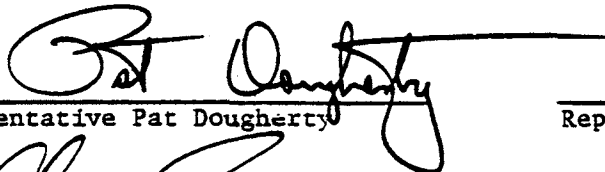

Representative Sue Shear


Representative Steve Banton


Representative Doug Harpool


Representative Marion Cairns


Representative Mary Kasten


Representative Pat Dougherty


Representative Gene Lang


Representative Chris Graham


Representative Sandra Reeves

ORGANIZATIONAL MEETING

JEFFERSON CITY, MISSOURI

SEPTEMBER 11, 1985

PRESENT

Steinmetz
Cairns
Kasten

ABSENT

Banton
Dougherty
Graham
Harpool
Lang
Reeves
Shear

STAFF

Ruckman
Williams

WITNESSES

Dee Dee Tate, Assistant to the Director, Department of Social Services
James Woodsmall, Division of Family Services

SUMMARY OF WITNESS TESTIMONY

Harassment calls detract from the real work of the Division of Family Services staff. Statistics show an increase in the number of hotline referrals, thereby increasing the workload across the state. The bill proposed last session (SB385 and the compromise, HCS SB385) attempted to lessen the burden on local offices without lessening the effectiveness of the investigation. Provisions included:

1. Discretion for the worker in determining any physical danger for the child;
2. Permission for DFS to electronically record calls;
3. Limitation of the use of hotline calls as evidence in custody cases;
4. Establishment of a criminal penalty for making a harassment or willfully false report.

Besides being a burden on the DFS staff, the abuse of the hotline harms both the parents who are accused and the child.

PUBLIC HEARING

JEFFERSON CITY, MISSOURI

SEPTEMBER 11, 1985

PRESENT

Steinmetz
Carins
Kasten

ABSENT

Banton
Dougherty
Graham
Harpool
Lang
Reeves
Shear

STAFF

Ruckman
Williams

WITNESSES

Monique Griffith, MO Foster Care and Adoption Association
Joseph W. Belcher, Jr, MO Foster Care and Adoption Association
Janice Palmer, Boone County Adoptive and Foster Parents Association
Luella Brooks, Boone County Adoptive and Foster Parents Association
Paul Dow, Executive Director, MCCA

SUMMARY OF WITNESS TESTIMONY

Abuse of the hot line does not impact only the usual family situations, but foster families as well. Foster parents have been hot-lined, also. Because of a generally accepted view that foster parents have no rights regarding the child, foster parents really have no recourse. A foster child who is "street wise" may use the hotline to get away from an unsatisfactory foster situation. The child will be removed with few or no questions asked. The child quickly learns to manipulate the situation. Investigations are referred to Juvenile Court to avoid "conflict of interest" by DFS, who originally licensed the foster family and then selected the placement.

The problem of no process for appeal affects the family situation. Once a call is made, the entire family, whether or not the referral is substantiated, is subject to microscopic examination. A team

approach to the investigation was suggested to involve another person (perhaps a juvenile court staff member or a police officer). Then one person would not be making decisions which have such grave effects on the family.

PUBLIC HEARING

SPRINGFIELD, MISSOURI

SEPTEMBER 16, 1985

PRESENT

Steinmetz
Cairns
Dougherty
Harpool
Kasten

ABSENT

Banton
Graham
Lang
Reeves
Shear

STAFF

Ruckman
Williams

WITNESSES

Mary Daigle, Division of Family Services
Katheryn Lay, Division of Family Services
Kenneth Leake, Division of Family Services
Russell Lacewell, Division of Family Services
Eleanor Boegner, Foster Parent
Jean Heyle, Division of Family Services
Peggy Pearl, Springfield Advocacy Council

SUMMARY OF WITNESS TESTIMONY

In the Springfield area, 15% of all hotline calls are harassment. Figures show 38-39% are unsubstantiated with 45% of the calls on sexual abuse as unsubstantiated. Another suspicion is that spouses in dissolution or custody battles are calling in order to use the report as evidence in their court hearing.

Also, in the Springfield area, there are neighbors reporting other neighbors as the result of a neighborhood dispute. These are the cases when it is unlikely that the caller would identify himself.

Although harassment calls are a burden to the staff, it will be difficult to deal with controlling them. Workers can never be sure a case is a harassment situation until an on-site inquiry is made. Even then, appearances are often deceiving.

Some feel the worker is the one committing the harassment, but that this situation can be attributed to a lack of training which would identify harassment situations, a lack of training in interviewing techniques and, a lack of training in interpersonal relation skills.

It should not be a question of blame or fault. DFS has a burdensome duty. There are never enough resources to adequately train and support social work efforts. Although most parents approve and support efforts to control child abuse and neglect, there must be considerations for the delicate balance between the safety of children and the rights of parents.

PUBLIC HEARING

KANSAS CITY, MISSOURI

SEPTEMBER 23, 1985

PRESENT

Steinmetz
Cairns
Lang
Reeves

ABSENT

Banton
Dougherty
Graham
Harpool
Kasten
Shear

STAFF

Ruckman
Williams

WITNESSES

Garry Johnson, Foster Parent
Palle Rilinger, Executive Director-Metropolitan Organization
to Counter Sexual Abuse
Patricia Collier
Marie Fulks, Jackson County Foster Parent Support Group
Louise Nave, Foster Parent
Nick Rivard, The Spofford Home
Joyce Holloday, Salvation Army Children's Shelter; Jackson County
Child Welfare Advisory Committee
Karen Allen, The Children's Place
Bev Harvey Lawson

SUMMARY OF WITNESS TESTIMONY

In the Kansas City area, many families are being just as a result of harassment calls, even though they recognize child abuse is a serious problem.

The Division of Family Services is bound by law to investigate reports, but there is no mechanism for parents who are victims of the system to clear their records.

It is the view of some that child abuse should be a criminal matter, only. This view fails to consider that the law enforcement community has neither the resources nor the mechanisms to identify cases that are indeed criminal matters and to separate them from cases that are

social work matters.

There needs to be a way to hold social workers accountable for their decisions. Proposals include a team approach to investigations, personal disciplinary actions and basic due process right for parents.

The problem with holding social workers accountable is that before any liability could be attached, there would have to be adequate training for the workers so that a standard of care could be established. Again, this is a drain on resources.

Social workers dealing directly with the family have a lot of power. It is tempting for a worker in the course of offering services to a family to impart a particular set of values on the family. There is a fine line between providing services and imparting philosophies. But the social workers have the means to do it.

PUBLIC HEARING

ST. LOUIS, MISSOURI

SEPTEMBER 30, 1985

PRESENT

Steinmetz
Banton
Kasten
Lang

ABSENT

Dougherty
Graham
Harpool
Reeves
Shear

STAFF

Ruckman
Williams

WITNESSES

Richard Eissfeldt, Lutheran Family and Children's Services of Missouri
Otis Woodward, Lutheran Family Services
Marian Haynie, Lutheran Family and Children's Services
Laura Rogers
Donald Bromley
Mike Jordon
Curtis Gray
Margaret Gray
William Pride, Missouri Parents and Children
Elaine Middendork, Eagle Forum
Vernon Klingman
Kathy Doellefeld-Clancy, Court Appointed Special Advocates
Richard Dunn, Boys Town of Missouri; Missouri Child Care Advocates
R.A. Baur, Evangelical Children's Home
Barbara Calloni, CASA;VCS
Margaret Brown
Kathleen Basso, St. Joseph Health Center
Kenneth Weter
Kenneth Els
Kathryn Els
Elaine Stout
Renee Irving
Jane Ferger
Paul Schmitz
Clinton Gortnet, Executive Director-ECHO

SUMMARY OF WITNESS TESTIMONY

In the St. Louis area, social workers are regarded with fear by many families who have come in contact with them. There is really no recourse for parents who feel that the social worker is not appropriate for their case. There is an attitude that

the parents are guilty until proven innocent. The social workers need to be accountable for their decisions. However, without the adequate training and other resources, it is difficult to attract and keep good social workers and is sometimes impossible.

There is definitely a lack of communication between the social worker and the parents. The parents may not even be informed of the reasons for DFS intervention in the home.

Many people suggested a requirement that the person calling in identify himself/herself. Others were concerned that such a requirement might discourage people from calling in.

Concern was expressed about the exercise of power by DFS. It was generally agreed that workers are not adequately paid and that they are not adequately trained. The questions becomes: "Why, then, are they given so much authority?" On the unilateral decision of one worker, the process of removal of a child can be accomplished.

In criminal cases, the defendant has the right to know the accusations and witnesses against him. His freedom is at stake. There are innumerable protections given so that freedom is not taken away without due process of the law. Even though a child abuse report is not initially a criminal matter, parents are not given the basic right of knowing why the state is intruding into the home nor why a child may be taken into custody.

There are many who suggest that child abuse reporting should be a criminal matter. That would given the accused his basic constitutional rights.

The damage to a family continues even after a case has been substantiated. The law may require a record to be expunged, but often it is not. In addition, damage is done to reputations and the general well-being of the family. There should be some mechanism outside DFS

for parents to vindicate themselves.

Witnesses spoke to the importance of preserving the intent of the law.

WORK SESSION

JEFFERSON CITY, MISSOURI

NOVEMBER 25, 1985

PRESENT

Steinmetz
Banton
Kasten
Lang
Shear

ABSENT

Cairns
Dougherty
Graham
Harpool
Reeves

STAFF

Ruckman
Ronan
Regot

WITNESSES

None

SUMMARY

It was agreed that changes in the Child Abuse Hot Line Reporting Law need to be made. It was also agreed that the mandated Reporting Law must be preserved. However, often workers seem to work against the family and many people have suffered because of the system. The following changes are to be included for the 1986 legislation.

1. Social workers must be properly trained to do their job. In addition, a team approach with social workers and/or juvenile staff members or police personnel should be instituted. The intimidation of parents by social workers is a problem.
2. Every one phoning the Child Abuse Hot Line shall be asked for his/her name and every call shall be investigated.
3. All records shall be expunged after 90 days if substantiation does not occur.
4. There shall be a legal due process procedure for the accused.
5. The accused shall be permitted to see their own files.
6. A construction clause will be included.

The Committee reiterates the State's compelling interest in the health and welfare of its children, but feels that improvements in the Child Abuse Reporting Law need to be made. A bill will be prepared for the 1986 Legislative Session.

Dear Mrs. Steinmetz:

My family and I have been abused by the hot line and child abuse laws, and we are afraid and we are angry.

We were licensed for foster care and on June 19 we took in Roberta Wilson, three years old. Roberta was said to be 'very active' and a victim of sexual and physical abuse. She'd been in foster care since December 1984, and for unspecified reasons had been in three previous fosters homes. She was to start in therapy in Mid-Missouri Mental Health Center when the play therapist returned from vacation.

On September 12th I was accused of sexually abusing both Roberta and my four year old daughter, Holly, by the Boone Co. Sheriff's Dept. and the Juvenile Division. They took Holly and Roberta from us.

What happened was this: Roberta had finally been started in some therapy by the D. F. S. after nine months of state custody. She had art therapy on Sept. 5th and 12th. During these sessions she showed how she'd performed oral sex, and gave the therapist the impression that she'd done this with me. She also said her sister Holly did this too. The therapist reported it and started our nightmare.

The thing that makes it all so unfair is that we are very good parents, we were trying to do something good for a child, and I have never done anything abusive or sexual to any child.

No one seemed to use any common sense. Roberta had been in five homes in nine months, and called every man Daddy, every old man Grampa, etc. She was put in foster care for sexual abuse, and was enacting some of that. Her statements were not all consistent, and included sexual abuse by her teachers, and of a previous foster brother, and by me. Yet Lynn Rowden of the Juvenile Division used these statements to justify interrogating our daughter at her day care center.

After 45 minutes of interrogation, Miss Rowden was able to get Holly to indicate that I had touched her genital area. (This was not what Roberta had said) and she stopped questioning Holly when she got her to say that. But it was enough for them to take Holly into 'protective custody'.

Since then we have been repeatedly misled and victimized.

Bonnie Weise of the Sheriff's Dept. and Lynn Rowden each refused to tell us exactly what the girls had said, each claiming the other agency was in charge of the investigation.

My wife and I were told by Lynn Rowden not to visit, phone or write Holly, (she was put in her grandmother's custody) though the document we later received said my wife was to have visitation arranged by Miss Rowden. This was an extremely stressful period for us all, and especially for my wife who was three months pregnant. This period of no contact lasted five days.

On Sept. 17th we went to court. Lynn Rowden called to say Bob Perry, director of Juvenile Service, wanted to talk with Holly at court. She was put in a room with glass walls, in view of the place we were required to sit, though we were not allowed to talk or go to her. The fear and tension of the court events nearly caused my wife to faint. A few days later she started having vaginal bleeding, and contractions. Two weeks later our daughter was born dead. She was, in effect, murdered by the people charged with protecting families.

A court hearing set for Oct. 15th was delayed until Oct. 21st. That will be forty days with Holly's life disrupted for this investigation. She's been subjected to medical and psychological evaluation. Her eating and sleeping habits are disrupted. She was put into a new day care center. For awhile she had nightmares and thumb sucking behavior. She has said, she's afraid someone will take her away when she is at school, and she is afraid of anatomical dolls. We are not allowed to talk to her about the situation, so we don't know what she thinks is going on. Surely she thinks she was real bad for her Mom and Dad not to want her at home. Guilt,

insecurity, anxiety and phobias will have to be dealt with when this nightmare is over. Yes, Holly is a victim of abuse.

This is not the first time this hot line law has affected our lives. Last year someone accused me of being 'overly protective and obsessed with' Holly. Barb Howe and Bonnie Weise of the Juvenile and Sheriff's office, then interviewed Holly at day care. Ten days later we were told of this when she interviewed us. The accusation was unsubstantiated. But a law that mandated an investigation of a three year old on the basis of a meaningless accusation by an unnamed accuser is misguided. This occurred while I was involved in the contested adoption of Holly.

We don't know how this is going to end for us. I have not been charged with anything as yet. Our daughter is not home yet. The child we were to be blessed with is dead. We've spent \$600 so far on lawyers, and expect to be billed for court costs, and have supported a second home and day care center for Holly. My wife missed work for a month because of the problems with her pregnancy. Even if the issue blows over, we all will have permanent effects. Of course we will never take foster children again.

What about Roberta? Taken from her mother for abuse, she's been abused by the D. F. S. She had problems with sleep, attention span, following directions, identifying a significant other person. She was moved from place to place. We were given no guidance on working with her problems, and therapy was only after nine months. Her first play therapy session was pre-empted by a doctor's exam for this 'abuse'. She was probably put into an emergency home for a day, then a sixth foster home. We don't know, because she just disappeared from our lives. This child will surely become an adult with numerous problems, many caused by the D. F. S. No one really seems concerned for this child.

Finally, what is to keep this nightmare from recurring to us every year? Last year, the accuser was apparently trying to derail our adoption.

This year, a therapy session was used to initiate the intrusions. Can we do anything to protect ourselves?

Please let me know if there are specific details you are interested in, which I have omitted. I will let you know how things end.

Bette McLaughlin, my aunt, and Jan Palmer of the foster parents association, suggested I contact you. Thank you for listening.

Paul Linneman

Paul Linneman

Rt. 1, Box AA
Hartsburg, Mo. 6

Mrs. Thomas Finnell
715 South Fourth Street
St. Charles, MO 63301
November 1, 1985

State Rep. Kaye Steinmetz
Chairman, House Committee on
Children, Youth and Families
Broadway State Office Building
Jefferson City, MO 65102

Dear Representative Steinmetz:

I recently read an article on the panel discussion on child abuse and neglect held in St. Peters. I would have loved to attend the seminar to pose many questions to Ms. Turner and Ray Grush on the neglect of the children in the county of St. Charles and neighboring counties are suffering at the hands of the juvenile court and the Division of Family Services.

In March we started visiting two children in Pike County for a adoption placement. The parents rights were terminated but an aunt whom no one had heard from in three years suddenly filed for custody of the two children two weeks before the father's rights were terminated. This was done after the father inquired to the Pike County DFS office if she could adopt the children and was told no. She is the half sister of the father who served several years for the abuse of the little boy and as a result the little boy suffers from seizures. We were told by Pike County DFS that they knew they would not place the children with the aunt and it was not a big problem. Never once was it mentioned a judge would decide the children's fate and not DFS, they always sounded like it was their decision. It was only after our worker in St. Charles became involved that she found it was a legal petition and would have to be dealt with. The director in Pike County is from the old school of social work and we visited until May 17 at which time we picked up the children and brought them to our home for a permanent placement, we thought. The children were here one hour when our worker called to say Ray Grush had spoken with the judge and the judge would not recommend a placement. Ray Grush the day before had told her to go ahead with the placement as he saw no problems with the placement. DFS offered to let us keep the children on a foster basis but after a lot of tears and heartache we knew we could not keep the children with the possibility of them being taken away over our heads. The children have been replaced with the foster family in Pike County and we have neither seen or heard about the children since May. I wrote to Suzanne Turner about the situation and they made an investigation and promised that if the situation with the aunt was cleared they still intended to place the children with us. Through the entire summer I have been in contact with DFS in Jefferson City, Fulton and St. Charles. They kept telling me they could not get Illinois to answer their request for a homestudy on the aunt that was made in December. I wrote to Governor Thompson and explained the situation; in one week of his response to me the homestudy was in DFS hands. The study was negative and would not recommend placement. I accomplished in one letter what DFS could not do in 8 months. Even after their getting the homestudy nothing has been done and this is November. There seems to be no end in sight.

I have written to Governor Ashcroft, Senator Danforth and Mr. O'Hara asking for their help in this situation. Although I have received nice letters from each person and Senator Danforth did request an investigation nothing has been done.

I have become very aware with my dealings with DFS that the children's welfare is last on their list of priorities. The lies I have been told would make you wonder what they really are doing. The Area Director in Tulsa is my contact with DFS and although he is a nice man and tells me this was his number one priority each time I call he asks me what I've heard and has to check on the status of the case with someone else. We have hired an attorney to find out information on the case and many times what I have found out from him has been a surprise to DFI. For an agency who deals with the court system to be so totally unaware of the legalities of a case and then tell me they have no one to ask legal questions of is appalling. As for the court system in the county- it is a farce. Most people assume that the legal system works until they have to become involved with it to any extent. I now know that it is a place where one man can play God with children's lives. My letters have obviously stirred up a lot of questions since Ray Grush has cautioned my attorney and the worker that if I continue to write letters it will not be good for us in court. The Constitution guarantees the freedom of speech and press and for a man who works in the court system to say such a thing is beyond comprehension. No matter what the outcome I will continue to write letters and speak out to anyone who will listen. In the article it states that there is a bill passed to guarantee to all children the right to legal services, yet these children are not being represented and when I bring that to DFI attention they seem to be unaware of a guardian ad litem and where to contact such person. If the best interests of these children is to be served then that person will have to become involved. The lives of innocent children are not being served by DFI and this is not the only case where there is a problem. From what I've heard in my dealings with DFI and through other people who have had dealings with them this situation is par for the course when dealing with them. After moving children from foster home to foster home and playing with their emotions they then ask the question why do these children have emotional problems.

My husband and I have felt strongly about children and their rights. If there is anyone we can write to or speak with about stronger legislation to help these children who have already suffered at the hands of their parents and now must suffer through the system, please let us know. It is only through the press and exposing the public about the situation that laws can be changed. If writing letters and being heard can change one child's life then all the heartache and pain we have gone through will all be worth it. It is very obvious to us from Ray Grush's words that we will never have those children in our homes, but I will continue to fight for those children's lives.

Sincerely,

(Mrs.) Thomas Finnell

3029 Rockwood Trail
St. Charles, MO 63303
Nov. 5, 1985

Missouri House of Representatives
74th District
House P.O.
State Capitol
Jefferson City, MO 65101

Dear Ms. Steinmetz,
We have served as foster parents for the past 14 months through the Division of Family Services. We are seriously alarmed by how the rights of the children appear "overlooked" in lieu of the adult/parent(s)' rights. We recognize that the goal of DFS is to reunite families but we cannot value that goal when we see children emotionally damaged by that process.

Visitation is almost an automatic in all service agreements with parents. We feel a survey of foster parents would show how damaging present visitation arrangements are to children. Many visits must be unsupervised simply because of a

manipulative shortage. It one hour
mind with fears and distrust as a
result of the parents' verbal and/or
non verbal communications. The child
returns to the foster home with screaming,
Temper tantrums, withdrawal, aggressive
behaviors, regression on developmental
milestones and generally refused. When
the foster parent questions the social
workers as to what went on during
the visit, in order to help the child
through his trauma, the workers range
from:

1) I don't know. I wasn't in there
the whole time.
2) You're not entitled to the content
or context of the visit. It's confidential.
3) A reasonable explanation is

given when the visit is supervised.
If a child is removed from a
home, we assume there is a problem
in parenting skills in the majority
of cases. Why shouldn't visitation be
contingent upon participation in
improving parenting skills through classes
and/or counselling and then visitation
or interaction with the child(ren).

automatic visitation, with no intervention, throws the family back into its original condition. It would also be productive to have interaction between parent and child monitored to see if the parent(s) is at least appropriately coping with their responsibility toward the child.

Our second concern regards the respect or authority a natural parent is taught to hold for the system by his experiences. The parent is told in a Permanency Planning Review Meeting that if they don't do X, then DFS will file for termination of parental rights. In our experience, the parent has not done X, and when she pleads at the meeting or hearing, an additional service agreement is granted. Why should a parent believe the system? Why should he rectify his condition? The system offers idle threats.

How many chances must a parent be given? We contend that young children, particularly, have a chance to realize their potential without

permanent (or should I say handicapping) damage if they are not subjected to excessive time and conditions without permanency. In our situation there are 3 siblings that are 4 years old and under. One child has been in foster care for 65% of his life, one for 54% of his life and the other for 77% of his life. The fate of the life remains delayed by "unmet" service agreements. We feel that progress on 1 out of 6 parts of a service agreement cannot be viewed as adequate improvement by a parent whose children have been in foster care for 3½ years and has received personal attention for 4½ years from DFS. The law must include some time limits to protect children. DFS can exercise humane judgement within that time frame.

Our experience has been heart rendering as the "system" neglects the rights of the child.

Sincerely,
Dr. Frank and Rosemary Thovenot
Phone: 314-441-3584

CHILDREN'S HOSPITAL

AT WASHINGTON UNIVERSITY MEDICAL CENTER

November 8, 1985

Kaye Steinmetz
State Representative
13 Longhenrich
Florissant, Missouri 63031

Dear Ms. Steinmetz,

I am writing to ask you to work to keep the Missouri child abuse hotline intact and functioning essentially as it has over the years, i.e., mandated reporters, confidentiality and anonymity for reporters. I realize there is a problem with "spite" calls and calls that are essentially unfounded, however, the number of children that are saved from abuse, long-term disability and even death, far outweighs the problems of over-reporting or "crank" calls. Perhaps we need more experienced investigators and more of them to adequately cover the number of calls.

If we look at the long term effects, the more abuse we identify and stop, the fewer abusive parents we will have in the future. Violence begets violence and if we can help parents learn new ways to discipline perhaps we won't have as much abuse in future families.

Sincerely,



Abby E. Winkelmeyer, ACSW
Pediatric Medical Social Worker
St. Louis Children's Hospital

AEW:dd

Saint Louis Children's Hospital
400 South Kingshighway Boulevard
P.O. Box 14871
Saint Louis, Missouri 63178
(314) 454-6000

ST. LOUIS COUNTY
JUVENILE COURT
501 SOUTH BRENTWOOD BLVD.
CLAYTON, MISSOURI 63105
(314) 889-3400

MILTON A. SAITZ
Judge

ROBERT H. BRANOM
WALTON F. LEMAY
Commissioners

KENNETH M. HENSIEK
Chief Juvenile Officer
Director of Social Services
MARIE D. DARGAN
Chief Deputy Juvenile Officer
CORINNE L. RICHARDSON
Director of Legal Department
KERRY J. HAMPTON
Director of Operations

October 30, 1985

Representative Kaye Steinmetz
13 Longhenrich
Florissant, Missouri 63031

Dear Kaye:

Following our conversation last Friday, I wanted to share some thoughts regarding possible legislation concerning abuse of the state neglect hotline. At this point, these are my ideas and may not necessarily reflect the viewpoint of the Juvenile Court of St. Louis County.

First of all, please do not change the statute regarding mandated reporters. In my opinion, this is the best defense that children have in bringing a suspected abuse or neglect matter to the attention of the proper authorities. We are just now beginning to educate medical and school personnel about their mandated obligations to report. If any changes occur, it is critical, in my judgment, to ensure that the mandated reporter requirements stay as they are.

Calls to the hotline for harassment purposes are generally made by individuals other than mandated reporters. It is here that additional sanctions might be imposed if it could be proven that the hotline is being used for purposes of harassment. Electronic recordings and increasingly severe penalties for subsequent convictions on misuse of the hotline might be considered in this area. However, trial and conviction regarding this "offense" would probably be difficult and would not be pursued too frequently by local prosecuting attorneys. The suggestions that you made regarding the inadmissibility in any court of the mere fact that a hotline call had been made is probably a more realistic deterrent to harassment.

You may want to consider amending the statute to allow the reporter, both mandated and other, the additional opportunity to call the local Juvenile Court regarding a suspicion of abuse or neglect. This could be in addition to, but not in place of, a requirement to notify the hotline. This would give reporters an opportunity to be assured that their hotline call to DFS could be monitored by the Juvenile Court. If the initial allegations were serious enough, the Juvenile Court staff could certainly monitor the DFS investigation and inquire into their findings and conclusions.

(cont.)

October 29, 1985

-2-

You may want to build in to the new legislation the opportunity for the person to request an administrative hearing when they have been the subject of a hotline call and investigation. This would certainly be a realistic source of relief when the abuse or neglect has been substantiated but not referred to the Juvenile Court for action. It would also provide a means of relief for individuals who have been subjected to an investigation to clear the record and eventually have their names deleted from the central files, if appropriate. New legislation might also provide the opportunity for a person who has been the subject of a hotline investigation, and who is dissatisfied with the outcome of an administrative hearing, to appeal to the Juvenile Court for review and decision making. I believe the Juvenile Court would be the best forum for this because of the confidentiality practices that govern our proceedings. I would not anticipate that too many requests would come from this type legislation, but it certainly does provide a neutral mechanism for relief for those persons who feel that they have been wrongly accused.

You may wish to consider one final issue; either legislation or regulation might be developed that would establish standards for substantiating and standards for training of personnel that are assigned the responsibility of investigation. This could include training not only from Division of Family Services staff, but police officers and juvenile court personnel as well. Training might increase a workers ability to do a more effective job in investigating and in more uniform substantiation decisions.

Again, these are merely ideas that have not been fully developed nor discussed by the Judge or Juvenile Court staff. I would be willing to discuss them further with you or members of the committee and would also be willing to work with you in whatever way you would see helpful. Feel free to call me at any time at 889-2970.

Sincerely,



Kenneth M. Hensiek
Chief Juvenile Officer
Director of Social Services

KMH:ls

CHILDREN'S HOSPITAL

AT WASHINGTON UNIVERSITY MEDICAL CENTER

November 6, 1985

Honorable Kaye Steinmetz
State Representative
13 Longhenrich
Florissant, Missouri 63031

Re: Child Abuse Reporting Law

Dear Representative Steinmetz:

I am writing to you to express my concern regarding possible changes in the Missouri Child Abuse Reporting law. My position at St. Louis Children's Hospital brings me in constant contact with the Missouri Division of Family Services and the hotline. I am also involved with hundreds of cases each year where children are at risk. Despite the media attention to many of these cases, it is my opinion that society as a whole prefers to "look the other way" when confronted with this difficult problem. Should the reporting laws be diluted by changes or eliminated, I would foresee our ability to protect children being drastically reduced and the number of serious injuries and deaths increasing.

If you approach this problem strictly from a cost-effectiveness basis, putting aside for the moment the moral issues, it would seem to me to be far cheaper for the state tax dollars to support additional investigative workers for DFS than to defer the cost of medical care for children who are catastrophically injured or who die because they do not come to our attention until it is too late. I am enclosing a copy of the preliminary findings of a study conducted by the St. Louis Child Abuse Network and compiled by Ed Dodson, M.D. on this very subject which will support this theory. I am sure Dr. Dodson would be happy to supply you with additional information, should you find this helpful.

I feel that it is essential that we continue to allow anonymous reporting in order to encourage relatives and neighbors to share information regarding a child's care which may not come to our attention in any other way. I feel that it would be extremely difficult to actually screen-out harassment-type calls and eliminate their investigation when frequently the motive for placing the call may be harassment, but the report

Saint Louis Children's Hospital
400 South Kingshighway Boulevard
P.O. Box 14871
Saint Louis, Missouri 63178
(314) 454-6000

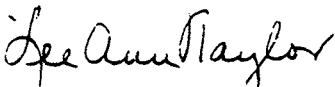
Page Two
Honorable Kaye Steinmetz
November 6, 1985

itself is substantiated. I am aware that a small number of calls may be totally without basis. However, any system is apt to have a small percentage of these reports and I believe that is offset by the children we are able to identify and protect due to the concern expressed by callers who are reluctant to identify themselves. I also feel that the legislature should consider making the failure of mandated reporters to report suspected cases of abuse or neglect which come to their attention a more serious offense. We might wish to consider connecting repeated failure to report with the ability to maintain a current Missouri license, for such reporters who must be licensed by the state.

A possible solution to the individual who believes he has been victimized by being reported to the hotline might be to institute an appeal process such as has been used in the state of Illinois for some time. Investigators could provide families with a brief form which outlined their rights and set forth the guidelines for requesting an administrative review of the investigation. Additionally, all reports which were found to be unsubstantiated could be totally expunged from the hotline and local office records which would assure families that nothing detrimental would be reflected regarding their child care practices.

I believe that our only hope of putting an end to the ever increasing reports of child abuse and neglect is to invest some of our tax dollars in dealing adequately with the problem and attempting to institute some prevention programs. In the past, and certainly at the present time, the funding for these programs have allowed us only to put tiny bandaids on large sores while we wait to see where the problem will next spread. I would encourage you to support the continued use of our hotline system and to advocate for tax dollars to allow us to increase our effectiveness in dealing with these problems.

Sincerely,



Lee Ann Taylor, M.S.Ed., M.S.W.
Child Abuse/Neglect Co-coordinator
St. Louis Children's Hospital

PRELIMINARY REPORT
OF
THE ST. LOUIS BOARD OF INQUIRY TO INVESTIGATE FATAL AND
CATASTROPHIC CASES OF CHILD MALTREATMENT
24 OCTOBER, 1985
SPONSORED BY THE ST. LOUIS CHILD ABUSE NETWORK

Dr. James Monteleone, Panel Chairman
Cardinal Glennon Hospital
St. Louis Child Abuse Network

Report prepared by

Dr. W. Edwin Dodson
St. Louis Children's Hospital
St. Louis Child Abuse Network

Supported by a grant from The National Center for Child
Abuse and Neglect (NCCAN), HDS, DHHS.

MEMBERS OF THE BOARD OF INQUIRY

Dr. James Monteleone, Panel Chairman
Cardinal Glennon Hospital
St. Louis Child Abuse Network

Mrs. DeVerne Calloway

Dr. W. Edwin Dodson
St. Louis Children's Hospital
St. Louis Child Child Abuse Network

Mrs. Marion Eisen
Attorney General's Office

Dr. Michael Graham
St. Louis Medical Examiner's Office

Sgt. Wayne Keasling
St. Louis Police Department

Ms. Anne Keefe
CBS Radio, KMOX

Mr. Stephen Long
St. Louis Child Abuse Network

Sgt. William Miederhoff
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Rev. Robert Osborne
Our Lady of the Pillar Church

Mr. Richard Ruddie
St. Louis Children's Hospital

Mr. Jim Schulte
Chaminade High School

Mr. Michael K. Thomas
Vashon High School

Ms. Lottie Wade
Division of Family Services

Ms. Norma Wynn
Division of Family Services

Sgt. Gary Young
St. Louis County Police Department

SUMMARY

MAJOR FINDINGS OF THE BOARD OF INQUIRY

NUMBER OF CASES REVIEWED	37
NONABUSE	4
FATAL	11
NONFATAL	22

AVERAGE AGE OF NONFATAL CASES WAS 10 MONTHS
AVERAGE AGE OF FATAL CASES WAS 1 YEAR 8 MONTHS

THE MOST FREQUENT PERPETRATOR -PARAMOURS- WERE INVOLVED IN 14 CASES. PARAMOURS TENDED TO INJURE TODDLERS AND OLDER CHILDREN RATHER THAN INFANTS OR NEWBORNS.

WHIPLASH SHAKING INJURIES WERE THE MAJOR INJURY IN 8 CASES. THESE INJURIES WERE ASSOCIATED WITH A HIGH INCIDENCE OF LATER BRAIN DAMAGE AND PERMANENT DISABILITY.

IN 18 CASES THE PANEL JUDGED THAT THE CHILDREN'S PROTECTIVE SYSTEM MALFUNCTIONED. RECOMMENDATIONS FOR CHANGE WERE MADE IN 20/33 CASES.

THE VERY HIGH ACUTE CARE COSTS ARE A MAJOR FINDING. THE TOTAL ACUTE HOSPITAL COSTS WERE MORE THAN \$550,000. THE AVERAGE ACUTE COST FOR ALL CASES WAS \$15,809.36. FOR THOSE CASES WHICH WERE FATAL OR CAUSED INTELLECTUAL SEQUELAE THE AVERAGE ACUTE COSTS PER CASE WAS MORE THAN \$19,000. THE ACUTE COSTS FOR SURVIVORS OF SEVERE INJURIES AVERAGED MORE THAN \$22,000 PER VICTIM. FOR 22 SURVIVORS THE TOTAL ACUTE COSTS WERE APPROXIMATELY \$493,000.

FOR EACH DEATH THERE IS APPROXIMATELY ONE SEVERELY HANDICAPPED SURVIVOR.

AT LEAST 10 OF 22 SURVIVORS WERE PERMANENTLY AND TOTALLY DISABLED BY THEIR INJURIES. THESE CHILDREN HAVE FUTURE LIFETIME COSTS OF BETWEEN \$200,00 AND \$2,000,000 PER VICTIM. THUS THIS GROUP WILL EVENTUALLY COST THE TAXPAYERS BETWEEN \$2,000,000 AND \$20,000,000. ONLY A FEW OF THESE INJURIES NEED BE PREVENTED TO HAVE A HIGHLY COST EFFECTIVE PREVENTION PROGRAM.

AMONG THE 33 ABUSE AND NEGLECT CASES 10 WERE JUDGED PREVENTABLE BY THE BOARD (6 NONFATAL & 4 FATAL). PERINATAL RISK FACTORS (WHICH WOULD CURRENTLY TRIGGER REFERRAL TO PROJECT FIRST STEP) WERE PRESENT IN AT LEAST 13 CASES.

A MINIMAL ESTIMATE OF THE POTENTIAL SAVINGS OF A PREVENTION PROGRAM IS \$1,600,000 ANNUALLY PLUS 13 QUALITY LIVES.

SUMMARY

DEMOGRAPHICS BY STATE

	NUMBER	FATAL	MISSOURI	ILINOIS	BLACK
MALE	19	5	15	4	11
FEMALE	14	6	11		13
FATAL			10	1	
PREVENTABLE			8	3	
PRIOR CPS			13	3	
PERINATAL RISK			11	2	
SYSTEM BREAKDOWN			8	2	
TOTAL CASES			26	7	

ACUTE HOSPITAL COSTS	\$278,060.11	\$272,093.68
AVERAGE COST	\$10,694.62	\$38,870.53

AVERAGE AGE	1.03 years	1.68 years
-------------	------------	------------

THE VICTIMS

Seven children had not recieved the standard immunizations. Nine children had special medical problems prior to the injury. Among these 6 had not received appropriate follow up treatment. Eleven children had not recieved routine well bably care. All told twelve children lacked either immunizations or rountine well baby care. Growth was normal in 17 children, abnormal in 3.

Only two of 33 victims were known to survive their injuries with no apparent physical sequelae, although the outcome was unknown in 4. Twenty one victims either died or suffered permanent, severe neurological impairment, including mental retardation. Among these 21 the average age was 1.37 years, little different from the average age of the entire population, 1.17 years.

PROBLEMS

ADEQUACY OF HOUSING

Housing was inadequate in 10 cases. Utilities were inadequate in 2. In 9 instances the families were overcrowded.

In 13 cases there was a paramour involved with the victim's mother. In 10 instances the paramour was the perpetrator or coperpetrator.

DESCRIPTION OF ABUSE AND NEGLECT CASES REVIEWED.

TYPE OF MALTREATMENT AND INJURIES

VICTIM	AGE	NO	TYPE OF ABUSE	TYPE OF INJURY
0.12	35	N		SKULL FX, NEGLECT, LACK OF SUPERVISION
0.15	5	A		MULTIPLE INJURIES/STRANGULATION
0.21	17	A		WSIS
0.21	28	A		WSIS, CNS/POSS WSIS
0.23	26	A		CNS
0.24	6	A		WSIS
0.25	37	N		CNS
0.31	9	A		WSIS & BROKEN RIBS
0.32	32	A		HEAD INJURY/SKULL FX
0.33	33	A		WSIS, BEATING/SHAKING
0.35	20	A		NEGLECT/HYPOGLYCEMIA
0.41	2	N		EXPOSURE/PNEUMONIA
0.45	36	A		WSIS/SUBDURAL
0.46	21	A		WSIS/SUBDURALS
0.47	23	A		HEAD INJURIES +
0.51	10	A		WSIS, SHAKING, ? STRANGULATION
0.62	11	A		MALNUTRITION, BILATERAL SUBDURAL HEMATOMAS
0.80	14	A		CNS/MULTIPLE INJURIES
1.05	29	A		CNS, NEW & OLD ARM FX
1.25	24	A		BURNS-IMMERSION
1.29	4	A		SPINAL CORD, MULTIPLE BRUISES
1.34	15	A		HEAD INJURY, BEATING
1.41	27	A		MULTIPLE INJURIES
1.59	1	N		DROWNING
1.72	19	A		BEATING, SKULL FX CEREBRAL EDEMA/BRUISES
1.74	22	A		CNS/LIVER
1.75	3	A		SKULL FX, MENINGITIS, MULTIPLE FX, MALNUTRITION
1.76	7	A		MULTIPLE INJURIES-BEATING WSIS-PLUS
1.97	13	A		TRAUMA/UNILATERAL SKULL FX
2.30	8	A		BEATING/RUPTURED DUODEUM
2.52	25	A		CNS
4.71	30	A		CNS
5.66	12	A		HEAD INJURY, BEATING

ABBREVIATIONS:

* A/N = Abuse or Neglect. O = Not abuse or neglect; other type of injury, such as accident or disease. In all other fields: Y = yes. N = no. X = not applicable. U = unknown.

VICTIM VARIABLES

VICTIM	AGE	IMMUN	ROUTINE MEDICAL	CRE	GROWTH	FEEDING PROBLEMS	PRIOR MED PROB	LACK OF CARE SPECIAL ROUTINE
0.12	Y		Y		N	N	N	N
0.15	N		N		A	Y	Y	Y
0.21	Y		Y		N	N	N	N
0.21	Y		U		U	N	X	X
0.23	Y		Y		Y	N	X	X
0.24	Y		Y		N	N	N	N
0.25	Y		U		U	U	N	X
0.31	N		N		A	Y	Y	Y
0.32	N		N		N	N	N	N
0.33	N		N		N	Y	N	Y
0.35	U		Y		N	N	N	N
0.41	U		U		N	Y	Y	Y
0.45	Y		Y		Y	N	X	X
0.46	U		U		U	N	N	N
0.47	X		X		X	N	Y	N
0.51	Y		Y		N	N	N	N
0.62	N		N		A	Y	Y	Y
0.80	U		N		N	N	N	Y
1.05	U		U		U	U	N	N
1.25	X		X		X	Y	Y	Y
1.29	Y		Y		N	N	N	N
1.34	U		U		N	N	U	U
1.41	U		N		N	N	N	N
1.59	N		N		U	U	Y	Y
1.72	N		N		U	N	N	Y
1.74	Y		Y		N	N	N	N
1.75	U		U		U	Y	Y	Y
1.76	Y		Y		N	N	Y	N
1.97	U		Y		U	N	Y	N
2.30	X		X		X	N	N	U
2.52	Y		Y		N	N	N	Y
4.71	Y		Y		N	N	N	N
5.66	Y		Y		N	N	N	N
---	---		---		---	---	---	---
1.17	14				3		9	11

ABBREVIATIONS:

* A/N = Abuse or Neglect. O = Not abuse or neglect; other type of injury, such as accident or disease. In all other fields: Y = yes. N = no. X = not applicable. U = unknown.

VICTIM OUTCOMES

FAMILIES

THE FAMILIES

Most of the families had a single parent, the mother, who was usually the primary care taker. There was a male caretaker involved with the victim in 13 of 33 cases. Only 1 of 10 mothers who were in educational programs or who were employed was a perpetrator.

CASES IN WHICH THE MOTHER WAS IN SCHOOL OR EMPLOYED

AGE	FATAL	SEQUELEA	HNDGP_DGRE	PERP
0.21	N	Y	X	PARA
0.23	Y	X	X	DAD
0.24	Y	X	X	DAD
0.31	N	X	X	DAD
0.32	N	N	1	BSIT
0.45	N	M	5	DAD
0.47	N	U	U	DAD
0.51	N	M	5	DAD
1.25	N	S	X	DAD
1.29	N	M	5	SF
1.74	N	M	1	PARA
1.75	N	M	5	PM
2.30	Y	X	X	PARMO
2.52	N	M	5	MOTHR

****SEQUELAE** SCORING:NONE / MENTAL / SCARRING / OTHER

MENTAL HANDICAP DEGREE

NONE (1)
 MILD: (2) TEMPORARILY DELAYED DEVELOPMENT
 MODERATE:(3) DELAYED DEVELOPMENT PERSISTING ONE YEAR AFTER INJURY
 SEVERE: (4) IQ OR DQ IN RANGE OF 50-70
 PROFOUND:(5) IQ OR DQ <50, LOSS OF VISION, HEARING, MODERATE TO SEVERE MENTAL RETARDATION.

CASES WITH FAMILY VIOLENCE

There was a history of violence in the family in 9 instances. One of the care takers was mentally ill in 5 families. In 8 families substance abuse was a problem. Nine of the families were judged to be antisocial. At least nine were hostile to the DFS worker.

A history of reports of prior abuse was present in 15 of the 33 families. In 9 families there was evidence that other children besides the victim had been maltreated. Sixteen of the families were previously known to children's protective services.

FAMILIES

CASES WITH FAMILY VIOLENCE

AGE	FATAL	SEQUELEA	HNDGP_DGRE	PERP
0.35	N	M	5	MD
0.45	N	M	5	DAD
0.46	X	U	U	U
0.51	N	M	5	DAD
0.80	N	M	4	PARA
1.34	Y	X	X	P
1.72	N	M	2	AUNT
1.75	N	M	5	PM
5.66	Y	X	X	AUNT

GLOBAL FAMILY VARIABLES

VICTIM AGE	FAMILY VIOLENC	MENTAL ILLNESS	PRIOR CHILD ABUSE	OTHERS ABUSED	--PRIOR -- FATALITY	INJURY	ANTISOCIAL
0.12	N	N	N	N	N	N	N
0.15	U	N	Y	N	N	Y	U
0.21	N	N	N	N	N	N	X
0.21	N	N	N	N	N	N	N
0.23	U	Y	N	N	N	N	N
0.24	U	N	N	N	N	N	X
0.25	X	N	N	N	N	N	Y
0.31	N	N	N	N	N	N	X
0.32	N	N	N	N	N	N	N
0.33	N	N	Y	Y	N	Y	U
0.35	Y	Y	Y	N	N	N	U
0.41	N	Y	Y	Y	N	U	N
0.45	Y	X	N	N	Y	Y	N
0.46	Y	N	Y	N	N	Y	Y
0.47	U	N	Y	N	N	N	U
0.51	Y	N	N	N	N	N	X
0.62	N	Y	N	N	N	N	Y
0.80	Y	N	Y	Y	N	Y	U
1.05	U	Y	Y	N	N	Y	N
1.25	X	N	N	Y	N	N	X
1.29	N	N	N	Y	N	N	Y
1.34	Y	N	Y	X	N	U	Y
1.41	N	U	Y	Y	N	U	Y
1.59	U	U	U	U	U	U	Y
1.72	Y	N	Y	Y	N	Y	Y
1.74	U	N	N	N	N	N	X
1.75	Y	N	Y	Y	Y	Y	Y
1.76	N	N	Y	N	N	Y	N
1.97	N	N	U	N	N	N	U
2.30	N	N	N	N	N	N	Y
2.52	X	X	X	X	X	X	X
4.71	U	U	Y	Y	N	N	U
5.66	Y	N	Y	N	N	N	X

	9	5	15	9	2	9	9

FATALITIES

FATALITIES

Brain injuries were present in 8 of 11 fatalities. Five of the fatal cases were previously known to children's protective services. Nine of the deaths resulted from abuse, two from neglect. Four cases were judged by the panel to be preventable. The panel felt that the system did not function as intended in two cases.

FATAL CASES

AGE	KNOWN TO DFS	TYPE OF INJURY
1.59	N	DROWNING
0.41	Y	EXPOSURE/PNEUMONIA
0.15	Y	MULTIPLE/STRANGULATION
0.24	N	WSIS
1.76	Y	MULTIPLE/BEATING
2.30	N	BEATING/RUPTURED DUODEUM
5.66	Y	HEAD INJURY, BEATING
1.34	Y	HEAD INJURY, BEATING
0.23	N	CNS
1.41	N	MULTIPLE INJURIES
4.71	N	CNS

1.8	5	

FATAL CASES: PREVENTABILITY, SYSTEM FUNCTIONING & PERPETRATORS

VICTIM AGE	PREVENTABLE	SYSTEM MALFUNCTION	TYPE OF ABUSE	PERPETRATOR
1.59	N	Y	N	MOTHER
0.41	N	Y	N	MOTHER
0.15	X	X	A	MOTHER
0.24	Y	N	A	FATHER
1.76	Y	X	A	PARAMOUR
2.30	N	N	A	PARAMOUR
5.66	Y	X	A	AUNT, BABYSITTER
1.34	Y	N	A	STEPPFATHER & MOTHER
0.23	N	N	A	FATHER
1.41	N	N	A	PARAMOUR
4.71	N	N	A	PARAMOUR

1.8	4	2		P = 5, M = 4

PERPETRATORS

PERPETRATORS

There was a paramour in 15 of the 33 abuse and neglect cases. Paramours were the perpetrator or coperpetrator in 10 cases, 5 of which ended fatally for the victim. Paramours were present in five of eleven fatal cases.

Mothers were perpetrators in 4 fatal cases. Only one of ten mothers in educational programs or who were employed was involved as a perpetrator.

Biological fathers were perpetrators in 2 of 11 fatal cases.

CASES WITH PARAMOURS (N=15)

AGE	PERP	FATAL	SEQUELAE	PERINATAL		
				PREVENTABL	RISK	
1.75	PM	N	* M	N		U
1.29	PSF	N	* M	N		U
1.76	PARA	Y	* X	Y	*	U
2.30	PARMO	Y	* X	N		U
1.97	P	N	U	N		N
0.80	PARA	N	* M	N	*	Y
1.34	P	Y	* X	Y	*	U
1.18	U	N	* S	N		N
1.72	AUNT	N	* M	Y	*	U
1.74	PARA	N	* M	N		U
2.52	MOTHR	N	* M	N	*	Y
1.41	PARA	Y	* X	N	*	Y
0.21	PARA	N	U	N	*	Y
4.71	P	Y	* X	N	*	Y
0.33	MOTH	N	* M	Y	*	Y
		---	---	---	---	---
		5<13>	8	4	-<9>-	6

CHARACTERISTICS OF LETHAL PARAMOURS

PARAMOUR	AGE	OPPORTUNITY TO LEARN AGGRESSION	CHILDREN OF THEIR OWN	PREVIOUSLY MARRIED	VICTIM AGE
	21	Y	Y	N	1.76
	25	Y	Y	N	2.30
	27	Y	U	U	1.34
	29	Y	Y	N	1.41
	23	N	N	N	4.71

	25	4	3	0	

PERPETRATORS

MORE ABOUT LETHAL PARAMOURS

AGE	CRIMINAL RECORD	JUDGED ANTISOC	PHYSICALLY AGGRESSIVE	SUBSTANCE ABUSE	ABUSED AS A CHILD
21	Y	N	U	N	U
25	Y	Y	Y	X	X
27	U	Y	Y	Y	U
29	Y	Y	Y	U	U
23	N	N	N	N	N

TOTALS	3	3	3	1	

CHARACTERISTICS OF MOTHERS WHO AFFILIATED WITH LETHAL PARAMOURS

PARAMOUR AGE	MOTHER AGE	NUMBER OF OTHER CHLD	OTHER CHLD ABUSED
21	U	5	N
25	24	3	N
27	27	2	U
29	19	0	N
23	25	1	Y

SUBSEQUENT HANDICAPS VERSUS PRESENCE OR ABSENCE OF PARAMOURS

CASES WITH PARAMOURS

AGE	PERP	SEQUELAE	HNDTCP_DGRE
0.21	PARA	Y	X
0.33	MOTH	M	5
0.80	PARA	M	4
1.29	SF	M	5
1.72	AUNT	M	2
1.74	PARA	M	1
1.75	PM	M	5
1.97	P	U	
2.52	MOTHR	M	5

Average age = 1.39 years
Handicap >= 4 in 5/9

CASES WITHOUT PARAMOURS

AGE	PERP	SEQUELAE	HNDTCP_DGRE
0.12	MOTH	N	X
0.21	DAD	U	U
0.25	MOTH	M	5
0.31	DAD	X	X
0.32	BSIT	N	1
0.35	MD	M	5
0.45	DAD	M	5
0.46	U	U	U
0.47	DAD	U	U
0.51	DAD	M	5
0.62	MOTHR	M	5
1.05	M	O	2
1.25	DAD	S	X

AVERAGE AGE = 0.49 years
Handicap degree >= 4 in 5/11

PERPETRATORS

CRIMINALITY

*** IN 14 OF 33 FAMILIES WITH SEVERE ABUSE OR NEGLECT, AT LEAST ONE OF THE PRIMARILY INVOLVED ADULTS HAD A CRIMINAL RECORD. THIS IS EXCLUSIVE OF ANY CRIMINAL PROCEEDINGS THAT OCCURRED AFTER THE SEVERE INJURY.

RELATIONSHIP OF CRIMINAL RECORDS AND SEVERE OR FATAL INJURIES

VICTIM	AGE	FATL	SEQUELAE	HANDICAP DGREE	MOTHER	FATHER	PARAMR	CRIMINAL RECORD CARETAKER
1.59	Y	X	F	N	U			Y
0.41	Y	X	F	U	U			N
1.75	N	M	5	U	Y	Y		Y
1.29	N	M	5	N	Y	U		Y
0.15	Y	X	X	X	X	X	X	U
0.24	Y	X	X	N	N	N	X	X
1.76	Y	X	X	N	X	Y		N
2.30	Y	X	X	N	X	Y		Y
0.31	N	X	X	N	Y	X		X
0.51	N	M	5	N	N	X		X
0.62	N	M	5	N	X	X		Y
5.66	Y	X	X	N	X	X		X
1.97	N	U		N	X	N		U
0.80	N	M	4	N	N	N		U
1.34	Y	X	X	Y	U	U		Y
0.21	N	U	U	N	N	X		X
1.72	N	M	2	N	U	U		Y
0.35	N	M	5	N	Y	X		U
0.46	X	U	U	Y	Y	U		Y
1.74	N	M	1	N	U	U		X
0.47	N	U	U	N	U	X		U
1.25	N	S	X	N	X	X		X
2.52	N	M	5	Y	N	N		X
0.23	Y	X	X	N	N	X		N
1.41	Y	X	X	N	X	Y		U
0.21	N	Y	X	N	N	N		N
1.05	N	O	2	N	U			N
4.71	Y	X	F	X	U	N		U
0.32	N	N	1	N	U			N
0.33	N	M	5	N	U	U		U
0.12	N	N	X	N	X			N
0.45	N	M	5	N	N	X		N
0.25	N	M	5	Y	X	X		Y

14/33 with 'Y' response
in one of these fields

ABBREVIATIONS:

* A/N = Abuse or Neglect. O = Not abuse or neglect; other type of injury, such as accident or disease. In all other fields: Y = yes. N = no. X = not applicable. U = unknown.

SEQUELAE SCORING: NONE / MENTAL / SCARRING / OTHER

PREVENTABILITY AND COSTS

MENTAL HANDICAP DEGREE SCORING

NONE (1)
MILD: (2) TEMPORARILY DELAYED DEVELOPMENT
MODERATE: (3) DELAYED DEVELOPMENT PERSISTING ONE YEAR AFTER INJURY
SEVERE: (4) IQ OR DQ IN RANGE OF 50-70
PROFOUND: (5) IQ OR DQ <50, LOSS OF VISION, HEARING, MODERATE TO SEVERE MENTAL RETARDATION.

PREVENTABILITY

The panel judged that 10 cases were preventable. Eighteen cases were either preventable or had perinatal risk factors which would now allow early detection of risk.

RECOMMENDATIONS MADE BY PANEL

Recommendations were made for system change in 20 cases.

COSTS OF ACUTE HOSPITAL CARE

TOTAL ACUTE HOSPITAL CARE COSTS FOR THE VICTIMS WAS MORE \$550,000. COSTS FOR NONFATAL PREVENTABLE OR PERINATAL RISK CASES WERE \$238,179, THE AVERAGE WAS \$19,848.

THE AVERAGE ACUTE MEDICAL COSTS FOR NONFATAL CASES (SURVIVORS) WITH MALTREATMENT-ACQUIRED, PERMANENT HANDICAPS IS HIGHER THAN WHEN FATALITIES OR ONLY THOSE CASES JUDGED TO BE PREVENTABLE ARE AVERAGED. OVERALL, THE ACUTE COST OF THE 22 SURVIVORS AVERAGED \$22,391 per victim. AMONG THE RISK-DETECTABLE OR PROBABLY PREVENTABLE, NONFATAL CASES THE AVERAGE COST IS \$19,848 PER VICTIM. THE DIFFERENCE BETWEEN THESE FIGURES IS RELATED TO A SINGLE "UNPREVENTABLE" CASE WITH HOSPITAL EXPENSES IN EXCESS OF \$180,000.

PREVENTABILITY AND COSTS

ACUTE HOSPITAL COSTS

	Number	TOTAL COSTS	AVERAGE COSTS
ILLINOIS	7	\$272,093	\$38,871
MISSOURI	26	\$278,060	\$10,695
	-----	-----	-----
ALL CASES	33	\$550,154	\$16,671

COSTS BY SPECIAL CATEGORIES

FATAL	11	\$57,541	\$5,231
NONFATAL	22	\$492,613	\$22,392
PREVENTABLE"	11	\$149,871	\$13,625
PERINATAL RISK	13	\$207,135	\$15,934
SYS BRKDOWN	8	\$131,852	\$16,481
SYSTEM BREAKDOWN	10	\$134,734	\$13,473
NONFAT, PERI-RISK, PREVENTABLE	12	\$238,179	\$19,848
SEVERE SEQUELAE			
DEGREE 4 or 5	10	\$357,189	\$35,719
PERI-RISK	7	\$165,629	\$23,661
PERIRISK + PREVN	8	\$174,357	\$21,795

FATAL CASES: PREVENTABILITY AND ACUTE COSTS

VICTIM AGE	PERINATAL RISK				PREVENTABL	SYSTEM BRKDOWN	COST (\$)
1.59	U		N	*	Y		288.61
0.41	U		N	*	Y		2593.17
0.15	U		X		X		3796.32
0.24	U	*	Y	*	N		2293.60
1.76	Y	*	Y	*	X		1084.05
2.30	Y	*	N	*	N		17285.16
5.66	U	*	Y	*	X		4008.49
1.34	U	*	Y		N		7177.00
0.23	N		N		N		7070.56
1.41	N		N		N		438.20
4.71	Y	*	N	*	N		11505.62
	---		---	---	---		-----
TOTALS	4	-<6>-	3	-<7>-	2		\$57,540.78
					AVERAGE		\$5,230.98

PREVENTABILITY AND COSTS

LIFETIME REHABILITATION OR CUSTODIAL COSTS WITH HANDICAP DEGREES OF 3, 4, OR 5 ARE ESTIMATED AT BETWEEN \$200,000 (Missouri) and \$2,000,000 (New York) per survivor. THESE ARE THE SAME COST ESTIMATES THAT ARE USED TO JUSTIFY NEONATAL SCREENING PROGRAMS DESIGNED TO DETECT TREATABLE INBORN ERRORS OF METABOLISM.

NONFATAL: AVERAGE ACUTE CARE COSTS

-----HANDICAPPED-----		
DEGREE OF HANDICAP	NUMBER	AVERAGE ACUTE COSTS
1	3	\$2,941.23
2	2	\$11,345.18
3	0	
4	1	\$17,199.00
5	9	\$37,776.67

	12	\$31,755.92

NONFATAL: AVERAGE ACUTE CARE COSTS BY VICTIM AGE

AGE	NUMBER	ACUTE COSTS
<1	14	\$16,254.77
>1	8	\$33,130.78

PREVENTABILITY AND COSTS

NONFATAL CASES: SEQUELAE, PREVENTABILITY AND ACUTE COSTS

NO	AGE	SEQUELAE	EXTENT OF HND CP	ACUTE COSTS	PREVENTABL	PERINATAL RISK
3	1.75	M	5	1492.58	N	U
4	1.29	M	5	181339.61	N	U
9	0.31	X	X	19918.11	Y *	N
10	0.51	M	5	8728.00	N	N
11	0.62	M	5	18764.00	Y *	Y
13	1.97	U		1694.00	N	N
14	0.80	M	4	17199.00	N *	Y
17	0.21	U	U	16173.63	Y *	Y
19	1.72	M	2	17653.36	Y *	U
20	0.35	M	5	33346.00	N *	Y
21	0.46	U	U	10260.30	N	N
22	1.74	M	1	6228.70	N	U
23	0.47	U	U	8427.00	X	N
24	1.25	S	X	30326.00	X	X
25	2.52	M	5	21275.00	N *	Y
28	0.21	U	U	13978.00	N *	Y
29	1.05	O	2	5037.00	N	N
32	0.32	N	1	901.00	N	N
33	0.33	M	5	9003.00	Y *	Y
35	0.12	N	X	4826.92	N *	Y
36	0.45	M	5	16041.80	N *	Y
37	0.25	M	5	50000.00	Y *	Y
				-----	-----	-----
				\$492,613.01	6 -<12>-	10
						\$238,178.82

POTENTIAL SAVINGS: Medical and Custodial Costs

	Potentially Preventable	ACUTE COSTS	FUTURE COSTS
Fatal:	6/11	\$18,797	\$0.00
Nonfatal:	12/22	\$238,178	
Totally Disabled*	7/10		\$1,400,000
		-----	-----
Subtotal		\$256,976	\$1,400,000
TOTAL		\$1,656,976

* Lifetime cost estimated @ \$200,000 per case (MO).

CONCLUSIONS

STUDY FINDINGS AND CONCLUSIONS:

SEVERE CHILD MALTREATMENT IS EXPENSIVE.

A HIGH PROPORTION OF CASES HAVE DETECTABLE RISK FACTORS AND EVEN MORE SHOULD BE PREVENTABLE.

PARAMOURS ARE ESPECIALLY DANGEROUS TO TODDLERS.

THE LARGE FRACTION OF FAMILIES WITH CRIMINAL BACKGROUNDS INDICATES THAT PREVENTIVE PROGRAMS SHOULD BE DIRECTED AT CRIMINAL POPULATIONS.

HALF OF SURVIVORS ARE PERMANENTLY DISABLED AND LOST FROM THE RANKS OF PRODUCTIVE CITIZENSHIP.

A HIGH PROPORTION OF CASES ALSO HAVE PERINATAL RISK FACTORS WHICH ALLOW EARLY RECOGNITION OF RISK FOR SEVERE MALTREATMENT.

IF EVEN A SMALL NUMBER OF SEVERE BUT NONFATAL CASES WERE PREVENTED, A PREVENTIVE PROGRAM WOULD BE HIGHLY COST EFFECTIVE.

CONCLUSIONS

ABBREVIATIONS:

* A/N = Abuse or Neglect. O = Not abuse or neglect; other type of injury, such as accident or disease.

In all other fields: Y = yes. N = no. X = not applicable.

U = unknown.

SEQUELAE SCORING:

NONE / MENTAL / SCARRING / OTHER

MENTAL HANDICAP DEGREE

NONE (1)

MILD: (2) TEMPORARILY DELAYED DEVELOPMENT

MODERATE: (3) DELAYED DEVELOPMENT PERSISTING ONE YEAR AFTER INJURY

SEVERE: (4) IQ OR DQ IN RANGE OF 50-70

PROFOUND: (5) IQ OR DQ <50, LOSS OF VISION, HEARING, MODERATE TO SEVERE MENTAL RETARDATION.

PULSE



Parents United for Lawful Support Enforcement

Oct. 2, 1985

12 Parkview Dr., St. Peters, MO 63376 (314) 279-1441

Editor
St. Louis Post-Dispatch
900 N. Tucker Blvd.
St. Louis, MO

Dear Sir:

HOT LINE abuse by adults and children is not unique to Missouri. As a past member of the Fairfax County, VA. Task Force on Child Abuse, I can attest to the validity of this recurring problem.

In many cases vindictive ex-spouses and others use this vital lifeline as a vehicle for harassment in cases of non-support or custody. This form of retaliation occurs frequently when child support advocates take steps to alert the public to the problems surrounding non-support by absent parents or when an attempt is made to enforce a delinquent support order.

PULSE realizes the importance of the Abuse Hot Line as a means to protect the lives of abused children. We wholly support efforts to monitor and maintain an efficient and effective lifeline for these children.

Sincerely,

Ruth E. (Betty) Murphy
President

"Support Comes From The Heart"

October 3, 1985

Representative Kaye Steinmetz and Committee

Subject: Hearings on the use of the child abuse hot line
St. Louis, Mo September 30, 1985

Dear Ms. Steinmetz and Committee:

If I had closed my eyes and just listened to the testimony being given on Monday, I would not have known if I were in downtown St. Louis or downtown Moscow. I heard innocent people that have been victimized by the legislation of a few people sincerely asking for help and this plea certainly fell on deaf ears. Since I was not aware that these extreme measures were being enforced, I was in shock, and still am. How could a person sleep at nite knowing this is happening?

What is the committee going to do about this situation? I'm beginning to believe that the hearings were held as compensation for bad judgement. There seems to be but one course of action to follow, and it should be done immediately.

Since I could not stay to testify my ideas are as follows.

1. Callers must give their phone number, and a return call made immediately
2. The caller is made known to the accused, DFS is open to a law suit, as is any one in connection with the case.
3. Halt the program entirely, until it is completely reconstructed.

People are not elected to public office to victimize the common man, use these situations for good press, and with the hope of getting them to the poles on election day. We still have the right to vote, I guess, or will this be legislated away as parental rights are at this time. Maybe the whole program could be abolished if the state would assign a social worker to the family at birth, this way we would save a lot of time and money, and children could be removed more easily. Day Care Centers and their owners have been put out of business, or just decided to give up, families have been up-rooted and parents divorced, or hospitalized. A very tradgic sequence of events, and it is still going on. Voters rise up, parents be aware this may be your last chance.

Marianne Bradley

Marianne Bradley
7611 Forest View Dr.
St. Louis, Mo. 63121

Rep. Kaye Steinmetz
13 Longhenrich Dr.
Florissant, MO 63031

MoPaC
P. O. Box 16866
Clayton, MO 63112
(314) 721-0497

October 9, 1985

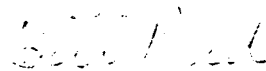
Dear Representative Steinmetz,

Thank you for your patience listening to those five hours of testimony in St. Louis. I was not able to prepare a written testimony in time for the hearing, but I hope that the attached report can be included as part of the record of that hearing. I have sent a copy to each member of the committee who was there, and an extra to you for entering into the record.

MoPaC would be grateful for the opportunity to take part in future discussions concerning the hotline and related laws, and would appreciate knowing when you are meeting.

Thank you for your interest in what MoPaC had to say. I hope to talk with you all again soon.

Yours truly,



Bill Pride

President - MoPaC

REPORT
TO
LEGISLATIVE COMMITTEE
ON
ABUSE
OF
THE CHILD ABUSE HOTLINE

October 5, 1985

Bill Pride - President
Missouri Parents and Children
P.O. Box 16866
Clayton, Mo 63105
(314) 721-4097

The fact of the matter is that an anonymous hotline is already illegal in Missouri. Missouri Law 210.130, on oral reports, says, "Such reports shall include the following information: ... the name and address of the person making the report, his occupation, and where he can be reached; ...". The word "shall" in the law gives no room for choice. Also, the Division of Family Services, Social Services Investigation Handbook, Procedure A-1, Attachment A, "Information Obtained from the Reporter by CRU", lists "Identity of reporter" as the first item of information. Why, then, has DFS been allowed to illegally encourage anonymous accusations?

The whole concept of the hotline is flawed. A hotline is an emergency measure, yet the division of family services is using it primarily for cases which are not emergencies. This is shown by the policy of allowing 24 hours to investigate a hotline call. If these calls were real emergencies, where minutes count, 24 hours would be too long.

MoPaC does not feel that regulating the hotline will solve the problem. We would like to see the existing system replaced by direct reporting to the police. The police are better able to respond to true emergencies through their 911 network.

Few Hotline Calls are Emergencies

Missouri is wasting millions of dollars by treating all calls regarding child abuse as if they were emergencies, when in fact most are not.

The statistics show how few hotline calls are emergencies. Of 39,000 plus calls, 22,000 were unsubstantiated. Of the so-called substantiated calls, a number were tried in court and dismissed. This happened in a

number of cases reported at the Saint Louis hearing. The remaining calls resulted in at most a couple of hundred convictions of child abuse.

Since most of the calls to the hotline are not emergencies, and DFS does not have to respond to emergencies immediately, it would be both more appropriate and more economical to replace the hotline with direct reporting to the police over the 911 network.

Emergency Methods are Inappropriate for Non-Emergency Situations

The basic reason why hotline abuse is so devastating to wrongly hotlined families, is that DFS consistently uses emergency measures, or threatens to use those measures, in non-emergency situations. Social workers insist that families adjust their lifestyles to the social worker's satisfaction and threaten to separate parents and children if they don't comply--even when no crime has taken place!

As a recent report on Foster Care in Missouri says, "Foster care has become a tool to force change in families. In the words of one social worker, 'It's easier to work with the family after removal because that gives us a bargaining tool.'"¹ The committee has heard the testimonies of numerous parents who were threatened with removal if they did not cooperate.

Social workers have a free hand to impose their prejudices on families only because (1) child abuse is undefined, allowing each person to supply his own definition and (2) the same penalty applies to everything labeled

¹ Foster Family Care in Missouri: An Assessment (Missouri Coalition on Foster Care, Affiliated with The Missouri Association for Social Welfare, Under a grant from The Missouri Division of Family Services and The U.S. Department of Health and Human Services, October 1981), p. 5.

abuse, no matter how trivial: removal, or compulsory counseling and changes in lifestyle under threat of removal.

Let me illustrate how vague definitions cause trouble. A woman recently called us who had been told to stop washing the foreskin of her seven year old. He was careless when cleaning himself and she wanted to make sure he stayed clean. Now, come on. Is this sexual abuse? Is a father going to be forbidden to change his baby daughter's diapers under threat of removal? After all, if she has diaper rash, he has to "fondle her private parts" to put on ointment. For the same reason a father should probably not change his son for fear of homosexuality. A mother should not change her infant son for fear she may fondle him, also. So we wind up with mother changing the daughters, and the baby boys changing themselves. Present Misssouri law does not disallow this absurdity.

A Proposed Solution

Child abuse is called a crime. Let's treat it like one. Define child abuse so that parents know what they may or may not do with their children. The current definitions define nothing because they consist of terms which are not defined. Abuse, for example, is defined using the words: physical injury, sexual abuse, and emotional abuse. Discipline, including spanking administered in a reasonable manner, is not considered abuse, but the law does not define what is a reasonable manner of spanking.

MoPaC would like to suggest the following definition: "Child abuse shall be defined as rape, or wilful assault resulting in one or more broken bones, damage to internal organs, or permanent skin disfigurement. Neglect:

shall be defined as wilful failure to provide food, clothing, or shelter sufficient for life." We would like to see severe criminal penalties attached to these behaviors.

This definition solves the following problems:

(1) It provides for action against those who do not have control or custody of a child, and yet abuse him. Our present law leaves children naked of protection unless a parent, teacher, or daycare worker is the abuser.

(2) It allows for parents who are poor to be given help, rather than to be treated as criminals for not clothing or feeding their children adequately when they do not have the means to do so.

(3) It places abuse in the realm of verifiability. To be realistic, a definition of abuse should recognize that children regularly get dirty, tear their clothes, get bruises, and so on. Without 24-hour surveillance of every child, which is both financially and morally infeasible, it will never be possible to determine where Junior got that scrape on his arm or why Sally is wearing a ragged T-shirt today. By not getting into these areas, the law would eliminate the problems of schools being liable for schoolyard scuffles and parents being afraid to let their children outside to play for fear that they might get dirty or get a bruise.

(4) It avoids squandering scarce social resources chasing after trivialities. One woman who called us was hotlined for having her child christened without a bonnet on. (We're not kidding!) You yourself have heard some of the ridiculous reasons for which people are hotlined. Tens of

thousands of investigations and millions of dollars can be saved by not requiring investigation of trivialities.

(5) It is a definition consistent with what the public expects. When we are told "child abuse is on the rise," the public does not think it means "more people are scolding their children" or "more people are letting their children play in old clothes." If state agencies continue to deal out dire threats in cases that the public does not consider criminal, it will create a credibility gap that will reflect on the state's bona fide programs in this area.

(6) By leaving "emotional abuse" out of the definition we have solved two problems.

(a) Emotional abuse is impossible to define, and even more impossible to prove. If emotional abuse is left in the definition, it simply opens the door again to every family potentially being labeled abusive.

(b) The emotional trauma of being separated from one's parents, brothers and sisters, friends and school, and placed in up to fifteen different homes over one's childhood, is so great that it is hard to conceive of any home situation that could be emotionally worse.

Once the crime of child abuse is defined, we suggest that it be vigorously prosecuted. Only when the penalty for child abuse is severe enough to be painful to the perpetrator will the child abuse situation be improved in Missouri.

Why Allowing Anonymity Guarantess Hotline Abuse

If the legislature decides to retain the hotline under the control of the Division of Family Services, then the only issue worth discussing is anonymity. The law protects the confidentiality of an "in good faith" reporter. But in the case of a call which is not in good faith, where the reporter is not granted immunity under Missouri law, anonymity gives him immunity. Even if the legislature makes it illegal to misuse the hotline, anonymity means that there is no one to prosecute.

A system which electronically monitors the line and produces a printout of each call is good, but not enough. Harrassment will continue, but from telephone booths instead. If someone is required to give his name and address, a simple investigation should verify that the information was consistent.

10/08/85

REP. KAYE STEINMETZ
HOUSE POST OFFICE
STATE CAPITAL
JEFFERSON CITY, MO. 65101

DEAR REPRESENTATIVE STEINMETZ;

WE ARE WRITING, AS PAST VICTIMS OF THE MALICIOUS USE OF THE CHILD ABUSE HOT LINE, TO OFFER OUR TOTAL SUPPORT TO THE IDEA THAT IT WAS NOT THE INTENT OF THE LAW TO USE THIS HOT LINE TO HARASS INNOCENT PEOPLE. IN OUR CASE, IT WAS USED TO AGGRAVATE US BECAUSE WE CONTINUED TO OBJECT TO LARGE GROUPS OF UNSUPERVISED TEENAGERS CONGREGATING NEXT DOOR TO US.

WE HAVE BEEN VICTIMIZED TWICE THROUGH THIS HOT LINE. THE FIRST TIME VERY NEARLY CAUSED MY WIFE A NERVOUS BREAKDOWN. THE SOCIAL WORKER ARRIVED WHILE SHE WAS LEADING A GROUP OF HER FRIENDS IN A BIBLE STUDY. THIS CAUSED HER GREAT HUMILIATION. SHE HAD BEEN RAISED, LIKE I HAD, TO BELIEVE THAT THE LAWS WERE DESIGNED TO PROTECT THE INNOCENT. SHE WAS ACTUALLY AFRAID THAT THE FAMILY SERVICES DIVISION HAD THE AUTHORITY TO TAKE OUR CHILDREN. SINCE THEN WE HAVE LEARNED THE ABSURD STATE TO WHICH LEGISLATION HAS DESCENDED. PARTICULARLY THE JUVENILE LAWS. THEREFORE, WE WERE MUCH MORE PREPARED WHEN THE SOCIAL WORKER CAME THE SECOND TIME. IN FACT, I TOLD HER TO EXPECT THEM BECAUSE ONE OF OUR NEIGHBORS WAS CAUSING TROUBLE.

WE ARE ENCLOSING A COPY OF A LETTER THAT WE SENT TO CINDY GARRISON OF THE MISSOURI FAMILY SERVICES DIVISION AFTER THE SECOND OCCURRENCE.

WE STATE AGAIN THAT WE FEEL IT SHOULD BE A CRIME TO DELIBERATELY USE THIS HOT LINE TO AGGRAVATE INNOCENT PEOPLE. WE ALSO FEEL THAT WE SHOULD BE ABLE TO GAIN ACCESS TO THE RECORDS AND SUE PEOPLE THAT HAVE DONE THIS IN THE PAST. WE STAND READY TO VOTE, BE INTERVIEWED, WRITE LETTERS OR ANYTHING ELSE NECESSARY TO RECTIFY THIS SITUATION.

THANK YOU VERY MUCH FOR YOUR ATTENTION.

Jeanne R. Margate

1520 KEEVEN LN.

FLORISSANT MO.

314-838-6162

4/12/84

CINDY GARRISON
MO FAMILY SERVICES DIVISION
975 HORNET DRIVE
ST. LOUIS MO. 63042

DEAR CINDY;

I AM WRITING THIS LETTER IN RESPONSE TO THE LUDICROUS 'ABUSE' CLAIM PLACED AGAINST MY WIFE SHERRY. PLEASE PUT IT IN YOUR FILE. THE CLAIM OF APRIL 9, 1984 IS DEVOID OF TRUTH. MY SON, STEPHEN, IS NEITHER LEFT ALONE, DENIED PLAY TIME, OR IGNORED, BUT RATHER RECEIVES MOST OF MY WIFE'S ATTENTION. SHE HAS NEVER BEEN 'COUNSELLED' FOR ANYTHING, ALTHOUGH AT THE MOMENT I WONDER HOW SHE HAS BEEN ABLE TO AVOID IT. SHE IS NOT ONLY SEEKING PLACEMENT OF STEPHEN IN A PROPER SPECIAL SCHOOL CLASS, BUT ALSO DRIVING HIM TO LAQUE EVERY DAY TO A SCHOOL FOR AUTISTIC CHILDREN. IN ADDITION, SHE HERSELF FACES A HYSTERECTOMY IN MAY.

IF ANYONE NEEDS 'COUNSELLING' IT IS THE PERSON WHO PLACED THIS CALL. THIS PERSON WILL BE FROM A GROUP WHICH I WILL IDENTIFY. THE REASON THAT THEY WOULD DO SOMETHING THIS MALICIOUS IS THAT OVER THE LAST FEW YEARS WE HAVE OBJECTED TO LARGE GROUPS OF UNSUPERVISED TEENS CONGREGATING AT THE HOUSE NEXT DOOR. IF ANY 'ABUSE' IS OCCURRING, IT IS IN THESE FAMILIES THAT ALLOW THEIR CHILDREN TO GROW UP WITH NO IDEA THAT THEY ARE RESPONSIBLE FOR THEIR ACTIONS AND WITH NO GUIDANCE. THE LIST FOLLOWS:

██████████ PARENTS OF 2 CHILDREN THAT HAVE NEVER BEEN DISCIPLINED. FATHER WORKS UNUSUAL HOURS. MOTHER LONG AGO LOST CONTROL. GROUPS OF 4 TO 10 TEENS USED TO HANG OUT HERE WITH ABSOLUTELY NO ATTENTION PAID TO THEM. WOULD NEVER HAVE KNOWN OF BEER PARTIES ON DRIVEWAY UNTIL I WARNED THEM. EVEN NOW DO NOT REALIZE THAT TEENS WERE SHOOTING FIREWORKS (ROMAN CANDLES) AT EACH OTHER. MOTHER VIRTUALLY DEAF EITHER BY FATE OR BY CHOICE. IF 1 OF THEIR CHILDREN DOES SOMETHING DRASTIC, SUCH AS WRECK THE CAR, OR SHOOT OUT AN EXPENSIVE PICTURE WINDOW, THEY MIGHT REALLY CRACK DOWN. SAY MAKE THEM MOW THE LAWN ONCE (SARCASM INTENDED).

██████████ SINGLE MOTHER WITH 2 TEENAGERS LONG OUT OF CONTROL. OLDEST WAS SO BAD EVEN THE HILL'S DID NOT APPROVE. I PERSONALLY LAST SAW HIM AT THE FLOISSANT POLICE STATION. DO NOT KNOW WHERE HE IS TODAY. I WENT TO COMPLAIN ABOUT THE YOUNGER SON ABOUT 4 YEARS AGO WHEN HE WAS

11 OR 12. HE SAID THAT HIS MOTHER WAS GONE FOR THE NIGHT AND WOULD NOT RETURN UNTIL THE NEXT DAY. (SPEAKING OF LEAVING YOUNGSTERS). THIS BOY DELIGHTS IN YELLING OBSCENITIES AND THEN RUNNING. WHEN HE STARTED ON MY 9 YEAR OLD DAUGHTER IS WHEN THIS 'FIGHTING WITH TEENAGER' OCCURRED. HE AND YOUNGER SEITZ BOY SPENT THE BETTER PART OF AN HOUR ON THE STREET IN FRONT OF MY HOUSE SCREAMING OBSCENITIES, DEATH THREATS AND CHILD MOLESTATIONS ACCUSATIONS AT ME.

~~REDACTED~~ PARENTS OF A 15 YEAR OLD THAT SEEM TO ATTEMPT TO CONTROL HIS ACTIONS. HAVE ONLY 2 PROBLEMS. ONE IS THAT THE SON IS A LITTLE SLOW AND IS EASILY DUPED BY THE OTHERS TO COMMIT VANDALISM. ALSO THE MOTHER IS AN INCORRIGIBLE GOSSIP. BY THE TIME THAT A STORY PASSES THROUGH HER AREA, ATTENDANCE OF P.T.A. MEETINGS BECOMES 'COUNSELLING' AND THE INSTALLATION OF A TEMPORARY FENCE TO CONTROL A DOG BECOMES A DELIBERATE ATTEMPT TO ELECTROCUTE PEOPLE. POLITICAL ACTIVISM ALSO SEEMS TO IMPLY TO HER THAT SHE CAN SET POLICY REGARDING HOW OTHER PEOPLE LIVE THEIR LIVES.

~~REDACTED~~ PARENTS OF 3 CHILDREN THAT UNTIL RECENTLY CAMPED NEXT DOOR TILL CURFEW OR LATER. ONLY FAMILY THAT USES LOUD ABUSIVE LANGUAGE ON THEIR CHILDREN. I HAVE PERSONALLY SEEN THE FATHER CURSING AND SCREAMING AT 1 SON REGARDING IMPROPER USE OF EQUIPMENT. THEY HAVE A 10 YEAR OLD SON THAT HAS STAYED WITH OLDER CHILDREN, PLAYED IN THE STREET AND STAYED OUT TILL CURFEW SINCE THE AGE OF 5.

~~REDACTED~~ NEXT DOOR CONSTANTLY UNTIL COMPLAINT. POLICE COULD NOT FIND PARENTS AT 10:30 PM. OLDEST ENJOYS THROWING OBJECTS AT PASSING TRAFFIC AND BLOWING HORN LATE AT NIGHT. YOUNGEST IS SO OUT OF CONTROL EVEN THE HILLS'S THINK HE NEEDS SOME DISCIPLINE. FIRST ENCOUNTERED IN MY AREA THROWING ROCKS AT MY HOUSE. NOT REASONABLE TO TALK TO. LOVES TO TORMENT ANIMALS. LIKES TO RIDE BICYCLE IN FRONT OF CARS AND THEN CLAIM THAT SOMEONE IS ATTEMPTING TO RUN OVER HIM.

IF CHILD NEGLECT IS ABUSE, THEN ALL OF THESE FAMILIES ARE GUILTY. I AM PREPARED TO SWEAR TO THE TRUTH OF THESE STATEMENTS. ~~IC~~
~~OF MY FAMILIES AND COMMUNITIES CAN BE MADE WITHOUT ANY RECOURSE OF THE~~
~~OFFENDED.~~ ~~REDACTED~~ MY WIFE DESERVES A MEDAL RATHER THAN BEING HARASSED BY SOME PEOPLE TOO LAZY TO CONTROL THE ACTIONS OF THEIR TEENAGERS.

IN THE FUTURE, WHEN YOUR AGENCY CALLS ON US, THEY WILL BE GIVEN A COPY OF THIS LETTER. THERE IS NO DOUBT THAT THE COMPLAINT WILL HAVE ORIGINATED FROM 1 OF THESE FAMILIES. YOU WILL ALWAYS BE ALLOWED TO

VIE* THE CHILDREN AND WILL HAVE YOUR QUESTIONS ANSWERED. HOWEVER, WHY
DON'T YOU SAVE YOUR TROUBLE AND INVESTIGATE THE SOURCE BEFORE LOCKING
INTO THE COMPLAINT.

SINCERELY YOURS;

Lawrence R. Margrave

LAWRENCE R. MARGRAVE

October 1, 1985

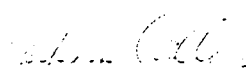
Representative Kaye Steinmetz
Room 400-C
State Capitol Building
Jefferson City, Missouri 65101

Dear Representative Steinmetz,

Enclosed is a copy of my prepared testimony for the hearing held yesterday in St. Louis. I did not have a typed copy to give you yesterday. The prepared testimony does not include responses to the Committee's questions, it just contains my prepared testimony.

Again thank you for the opportunity to testify and also for being such a great child advocate.

Sincerely,


Barbara Calloni

Testimony 9-30-85

Children Youth And Families Committee

Thank you for the opportunity to testify here today concerning the child-abuse hot-line.

I'm here as a private citizen, a foster parent for 7 years until 1983, I am a foster-adopt parent, I am a volunteer for the Court Appointed Special Advocate and I am employed as the Administrative Assistant for the Victim Service Council, both the CASA Program and the Victim Service Council are administered by the National Council of Jewish Women.

Last spring I attended an early morning Seminar at the St. Louis University Law School it was about saving our children. Representative Kaye Steinmetz was a panelist. She spoke about pending children's legislation; the adoption reform bill, the child witness protection bill and the day care licensing bill. In closing she alerted the audience to a bill that would increase the response time DFS had to respond to a hot-line call to 72 hours from the 24 hours they now have and in addition would give DFS discretion as to whether or not they felt they should respond at all.

This pending bill seemed very scary to me. After checking further, I found out that DFS was for this bill. I also began to feel this bill would pass through the Senate fast and quietly. It was a bill after all, that would not make necessary additional investigative workers, therefore it would be money saving. The bill did get out of committee and passed the Senate, but thankfully, it was killed in the House.

I realize that there are nuisance hot-line calls, but the bottom line has to be the safety and well-being of the children. I feel strongly that rather than increase the response time or let DFS workers use their own discretion there should be an increase in workers.

I know also that a certain percentage of hot-line calls are so-called unsubstantiated calls. I would like a clarification of what that figure comprises; for instance, I recently had a case where a Battered Woman with 10+ children had called the child-abuse hot-line because her husband assaulted her and two of her children; you see he becomes violent and whomsoever is in his way gets it. The hot-line did not call her in 24 hours, the woman fearing for her safety and her children's safety, fled to relatives. DFS could not reach her then. Eventually she returned to the violent environment, where else could she go with 10+ children, she had tried to get an Order of Protection but was refused. I called the hot-line while the victim was in my office; they gave me the name of the investigative worker assigned, I called twice, and left messages, I had never received a response. Is this an "unsubstantiated call"? If so how many of the unsubstantiated calls are like this; where the DFS worker can not reach the family?

Often times we at Victim Service Council find it necessary to call the hot-line after screening a police report and finding there was child abuse involved and the police hadn't reported it to the hot-line. We have had very good response over-all with just a few exceptions.

I feel strongly that allowing DFS to use their own discretion as to whether or not they will respond/investigate a call could lead to more children being in jeopardy, and suffering needlessly. Even an educational neglect call which on the surface doesn't seem so serious, once investigated can prove to be an emergency, when the worker finds out the child hasn't been at school because he/she has been beaten or hasn't any food, clothing or may have been abandoned.

Sometimes the Fire Department receives false alarms, they don't wait until the building burns down before they go to see if the call is false, the Police receive false reports, they investigate before deciding if it is false or not. DO OUR CHILDREN DESERVE LESS?

I'm not sure what effect prosecution of false hot-line reports would have. Will people be afraid to call if they feel when the worker investigating the call finds the family has pulled together and acts like nothing is wrong, would the caller be accused of false reporting. I've experienced at Victim Service Council, cases where in some seperated or divorced families, the mother who is a battered woman, will call the hot-line because she feels her children are in jeopardy when they are with their father, who is chemically dependant or an alcoholic and brings the children home while he is in an intoxicated state; she then finds out that he was intoxicated the whole time the children were in his custody. The children have learned at an early age to cover up for dad, so mom is viewed as a nuisance caller. The Judge has ordered visitation so the woman is afraid not to let the children go for the visit because she could be in contempt of court; the mother has little recourse except to file for a modification of the visitation order, this costs money because it takes an attorney to file the modification and usually the woman doesn't have the money.

I have friends, both foster parents and natural parents who have had the hot-line called on them unjustly, but they tell me they still believe the hot-line is necessary and that how would DFS know it was unfounded unless they investigated it.

I feel along with the increase of investigative workers, there should be a review of the competency of these workers, the state should provide comprehensive prevention education in the schools to help children protect themselves from abuse both sexual and physical, provide foster parents with extensive training to help them care for abused children in their care and to provide as many preventitive methods that are available from the hospital where the kids are being born to the high school where young teens are at risk of pregnancy. Prevention is the key not only to reduce the number of hot-line calls, but also reduce the number of false-reports, especially by foster children.

I ask all the child advocates here today to keep an eye on any legislation that would give DFS license to allow children to be at risk and to allow DFS to play God with children's lives in deciding whether or not a hot-line call is legitimate without investigating the call. Please study the legislation carefully, and if you feel it is detrimental to the well being of children, let your Senators and Representatives know you don't want it passed, I know most of you here today have been doing this, but for those of you who haven't, please know that it makes a difference.

The child abuse law is clear in that you should call the hot-line even if there is suspicion of abuse. Along with other Crime Prevention suggestions such as call the elder abuse hot-line if you feel someone who is elderly or mentally handicapped is being abused, call the police if someone is breaking into your neighbors house, call the police if you hear someone screaming for help; you should also call the child abuse hot-line if you feel a child is being abused. I'd like to do away with the "nosy neighbor myth", the neighbor who makes those calls is the good neighbor, the caring neighbor, the concerned neighbor.

The last thought I would like to leave with this Committee is that the adults can speak for themselves, children can't, they can't vote either. They need someone to be their voice and their vote.

Thank you Kay Steinmetz and thank you to your Committee, who have been so instrumental in getting the children's legislation passed this most recent session.

September 11, 1985

Representative Kaye Steinmetz
House Committee on Youth, Children, & Family
Missouri House of Representatives
House Post Office - State Capitol
Jefferson City, MO 65101

Dear Kaye:

In response to your recent newsletter regarding the interim study on the abuses of the child abuse reporting law, I would like to offer the following considerations for your study. I am estimating that in 1985 we will perform between 700 and 750 evaluations for sexual abuse at Cardinal Glennon Children's Hospital. We are experiencing a flood of referrals from both Missouri and Illinois because of our reputation for the management of these cases. As many as 10-15% of the evaluations involve the custody dispute between separated, divorcing, divorced spouses, and/or other co-habiting persons. Because of the real possibility of abuse among these situations, the evaluations do have to be performed. It is clear that parents and lawyers have determined that the only way to deny permanent visiting privileges of another spouse is to allege child abuse or sexual abuse. Sexual abuse has a more horrendous connotation to it and those who are expressing their hostility and anger towards their ex-spouses have now found a way to do just that. With the general public being more educated about sexual abuse we are getting more referrals involving children who have shown one or two indicators and whose parents have taken these as signs of obvious sexual abuse. Through our evaluations we are able to determine that these are isolated behaviors or are significant for other reasons, usually, the fact that parents are separated and children are going from one household to another. This takes a great deal of staff time. I think that many of these parents hope that we will call the Hotline. In some instances, the Police and/or Hotline have already been contacted. In my conversations with the Police and Protective Service personnel, they too find a great deal of their staff time taken up by these kinds of referrals. Their greatest fear is that while pursuing one of these custody cases, the child may be seriously harmed because they did not have time or staff to go out on a more valid emergency.

In the cases where divorces are pending or have occurred there has been or will be contact with the Juvenile Court. Perhaps all alleged abuse, involving custody between parents or spouses, should be referred to Juvenile Court for investigation and management. I do not mean to sidestep the Protective Services of the Division of Family Services, but it appears to me that a great deal of time is being spent by a number of agencies in the investigation of such cases. If the cases are valid then, they end up in Juvenile Court anyway.



A MEMBER OF THE SISTERS OF ST. MARY HEALTH CARE SYSTEM

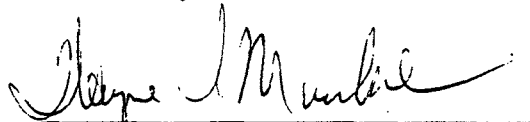
I am also concerned with the fact that many lawyers in the divorce proceedings refer parents and children to our SAM Clinic without ever having called the Hotline themselves. If there is a valid concern on the part of an attorney why doesn't he/she call the Hotline. By doing this the lawyer serves as a professional screener of the validity of the allegations of sexual abuse. Many times I feel like lawyers dump this responsibility on our hospital or are fishing for evidence to use in the divorce case. Perhaps this issue could be addressed through legislation but I would prefer this be done by means of professional training or professional organizations.

I have deep concerns about the work that your Committee is undertaking. My greatest fear is that the system will be scrapped or radically modified as the result of a legislative committee inquiry. I think we have come too far to scrap the system or make major changes to the detriment of Missouri children. As I would understand it the work of this committee is the result of false reporting and maybe some mishandling by the Division of Family Services or by the Police Department pursuant to Hotline calls. If there is not an adequate mechanism within the Division to deal with these complaints maybe it should be set up. I have had friends who have been reported for abuse/neglect. I know their own emotional turmoil as the result of these reports. I am sure that in my professional capacity that I have made errors myself. Having seen a number of dead, catastrophically injured and sexually abused children, I feel it is better to error on the side of the child than the parent.

I know that a number of families are reported repeatedly for abuse/neglect. A number of investigations have been made by the Division without substantiation of a case. It is clear in these cases that families are being harrassed by neighbors, relatives, or in some cases, by mentally disturbed people. I do believe that the Division and the State needs to address this problem. Again, a worker going out on a nuisance call like this may be missing an urgent situation which could result in serious injury or death to another child.

Please let me know when/if a Committee Hearing will be held in our area of the State. Thank you very much for your time.

Sincerely,

A handwritten signature in dark ink, appearing to read "Wayne I. Munkel", written over a horizontal line.

Mr. Wayne I. Munkel, M.S.W.
Medical Social Consultant

WIM/dn



JOHN ASHCROFT
GOVERNOR

MISSOURI
DEPARTMENT OF SOCIAL SERVICES
DIVISION OF FAMILY SERVICES
P.O. BOX 88
JEFFERSON CITY
65103

September 4, 1985

The Honorable Kaye Steinmetz
Representative of the 74th District
Room 400CC, State Capitol Building
Jefferson City, Missouri 65101

Dear Representative Steinmetz:

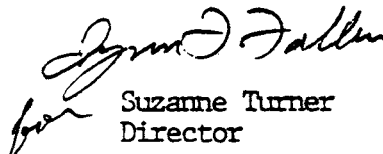
As requested by your secretary on September 3, 1985, I am providing you with copies of our child abuse and neglect (CA/N) reporting statistics for the members of the Children, Youth, and Families Interim Committee. This data covers calendar years 1982, 1983, and 1984 on three separate pages, as well as a tally of the total unduplicated reports received for the current calendar year through April, 1985.

In reviewing the calendar year statistical sheets, please note that they are divided into total incidents reported and substantiated, as well as total children involved in all reports and total children substantiated. The data for victims is also presented by different age groups. The remainder of the data pertains to substantiated victims only, and covers the relationship of the perpetrator to the victim, the final status of the investigation, and the type of abuse or neglect. The figures for "Type of Abuse" may include up to five types of abuse for a single child. For example, a child may be both physically and sexually abused, in which case, a recording may be entered for both "bruises and welts" and "sexual abuse."

Finally, the sheet entitled "CA/N Reports FY85" is being included to display the total number of CA/N reports for the first 4 months of calendar year 1985. This tabulation depicts a statewide total, as well as a county by county breakdown of the number of unduplicated reports received.

I hope this information will be of assistance to you. If you have any questions, please feel free to contact me.

Sincerely,


Suzanne Turner
Director

ST/kt
Attachments

CHILD ABUSE AND NEGLECT
Statistics for Calendar 1982

	0 thru 11 years	12 thru 17 years	Age Blank or Miscoded	TOTAL
INCIDENTS REPORTED				34011
INCIDENTS SUBSTANTIATED				17608
Substantiation Rate by Incident				51.8%
CHILDREN INVOLVED	47371	13922	3869	65162
CHILDREN SUBSTANTIATED	24116	7600	1009	32725
Substantiation Rate by Victim	50.9%	54.6%	26.1%	50.2%
SUBSTANTIATED VICTIMS ONLY				
RELATIONSHIP OF PERPETRATOR TO VICTIM				
Natural Parent (one or both)	26968	7728	1034	35730
Adoptive Parent	110	152	3	265
Step Parent	2037	1200	97	3334
Foster Parent	110	58	16	184
Grand Parent	659	183	34	876
Sibling	105	132	2	239
Other Relative	533	185	17	735
Child Care Provider	290	21	57	368
Institutional Staff	14	36	9	59
School Personnel	45	30	14	89
Other	1575	411	66	2052
Unknown and Miscoded	338	85	19	442
TYPE OF ABUSE (up to 5 per child)				
<u>PHYSICAL</u>				
Bruises, Welts	1750	624	57	2374
Abrasions, Lacerations	253	107	3	363
Wounds, Cuts, Punctures	134	61	0	195
Sprains, Dislocations	49	28	3	80
Internal Injury	31	12	2	45
Skull Fracture	37	0	0	37
Other Fracture	0	20	1	21
Subdural Hemorrhage/Hematoma	12	1	0	13
Brain Damage	6	0	0	6
Dismemberment	0	0	0	0
Burns, Scalding	180	3	6	189
Poisoning	4	0	0	4
Inappropriately Given Drugs	36	17	3	56
Other Physical Abuse or Injury	247	334	21	602
Inappropriate Punishment	688	389	47	1724
<u>SEXUAL ABUSE</u>				
Sexual Exploitation	44	60	3	107
Sexual Abuse (includes incest)	717	541	32	1290
<u>NEGLECT</u>				
Locking In or Out, Expelling From Home	202	148	17	367
Abandonment	424	83	13	520
Failure to Thrive Due to Neglect	117	2	1	120
Lack of Supervision	4407	1233	240	5880
Physical Neglect	6573	1238	177	7988
Emotional Neglect	2345	1282	108	3735
Medical Neglect	1327	215	18	1560
Educational Neglect	1019	934	37	1990
Exposure, Freezing, Exhaustion	25	8	0	33
Repeated Ingestions	14	3	0	17
<u>EVIDENCE OF RISK OR POTENTIAL FOR ABUSE</u>	8958	2287	374	11619
OTHER Abuse or Neglect	582	235	24	841
UNKNOWN	254	69	14	337

STATEWIDE
CHILD ABUSE AND NEGLECT
Statistics for Calendar 1983

INCIDENTS REPORTED	TOTAL
	34,210
INCIDENTS SUBSTANTIATED	15,784
Substantiation Rate by Incident	46.14%

	AGE OF VICTIM				
	0 - 5 Years	6 - 11 Years	12 - 17 Years	Blank or Miscoded	
CHILDREN INVOLVED	25,263	21,056	15,449	2,577	64,345
CHILDREN SUBSTANTIATED	10,846	9,433	7,593	504	28,376
Substantiation Rate by Victim	42.93%	44.80%	49.15%	19.56%	44.10%

SUBSTANTIATED VICTIMS ONLY

RELATIONSHIP OF PERPETRATOR TO VICTIM

Natural Parent (one or both)	15,012	11,171	9,018	529	35,730
Adoptive Parent	24	82	186	6	298
Step Parent	571	1,309	1,405	45	3,330
Foster Parent	52	107	101	6	266
Grand Parent	352	261	242	11	866
Sibling	32	75	147	8	252
Other Relative	266	312	287	21	866
Child Care Provider	238	86	12	36	322
Institutional Staff	2	8	78	2	90
School Personnel	5	30	49	5	89
Other	11	11	24	0	46
Unknown and Miscoded	186	133	81	17	417

TYPE OF ABUSE OR NEGLECT (up to 5 per child)

Physical:					
Bruises, Welts	850	767	727	40	2,404
Abrasions, Lacerations	131	77	94	8	310
Wounds, Cuts, Punctures	51	52	50	1	154
Sprains, Dislocations	15	11	31	2	59
Internal Injury	16	3	4	0	23
Skull Fracture	28	0	1	0	29
Other Fracture	78	15	22	0	115
Subdural Hemorrhage/Hematoma	21	3	1	0	25
Brain Damage	5	0	0	0	5
Dismemberment	0	0	0	0	0
Burns, Scalding	130	50	4	0	184
Poisoning	7	0	0	0	7
Inappropriately Given Drugs	45	32	36	1	114
Other Physical Abuse or Injury	359	428	565	19	1,371
Inappropriate Punishment	372	427	503	36	1,338
Sexual:					
Sexual Exploitation	4	21	38	3	66
Sexual Abuse	286	488	539	30	1,343
Incest	18	27	32	5	132
Neglect:					
Locking in or Out, Expelling from Home	58	100	189	6	353
Abandonment	215	105	60	10	390
Failure to Thrive Due to Neglect	93	5	2	0	100
Lack of Supervision	2,425	2,193	1,267	124	6,009
Physical Neglect	3,892	2,862	1,486	101	8,341
Emotional Neglect	1,445	1,659	1,725	67	4,896
Medical Neglect	853	453	255	7	1,568
Educational Neglect	23	769	1,092	13	1,897
Exposure, Freezing, Heat, Exhaustion	26	7	1	1	35
Malnutrition due to Improper Feeding	43	18	4	0	65
Repeated Ingestions	8	1	2	0	11
Other Abuse or Neglect	191	142	126	11	470
Threatened Harm	2,450	1,690	1,305	123	5,568

STATEWIDE
CHILD ABUSE AND NEGLECT
Statistics for Calendar 1984

INCIDENTS REPORTED

TOTAL
39,709

INCIDENTS SUBSTANTIATED

17,411
43.84%

Substantiation Rate by Incident

	Age of Victim				
	0 - 5 Years	6 - 11 Years	12 - 17 Years	Blank or Miscoded	
CHILDREN INVOLVED	30,606	23,378	15,921	2,541	72,446
CHILDREN SUBSTANTIATED	12,977	10,159	7,474	325	30,935
Substantiation Rate by Victim	17.91%	14.02%	10.32%	0.45%	42.70%

SUBSTANTIATED VICTIMS ONLY

RELATIONSHIP OF PERPETRATOR
TO VICTIM

Natural Parent (one or both)	14,544	10,445	7,177	261	32,427
Adoptive Parent	28	64	155	2	249
Step Parent	642	1,303	1,285	15	3,245
Foster Parent	42	56	87	1	186
Grand Parent	318	287	217	12	834
Sibling	42	111	152	1	306
Other Relative	315	337	230	9	891
Child Care Provider	482	150	19	80	731
Institutional Staff	3	14	138	32	187
School Personnel	13	78	86	9	186
Other	1,042	997	527	23	2,589

STATUS OF INVESTIGATION

Reason To Suspect	12,977	10,159	7,474	325	30,935
Unsubstantiated	17,070	12,817	8,094	1,431	39,412
Unable To Locate	252	128	127	537	1,044
Inappropriate Report	110	78	103	156	447
Out Of State	94	81	43	35	253
Juvenile Court	92	102	73	48	315
Report Incomplete	11	13	7	9	40

TYPE OF ABUSE (up to 5 per child)

Physical:					
Bruises, Welts	1,000	873	716	15	2,604
Abrasions, Lacerations	125	117	108	5	355
Wounds, Cuts, Punctures	88	37	55	0	180
Sprains, Dislocations	15	27	29	0	71
Internal Injury	21	9	8	1	39
Skull Fracture	31	1	0	0	32
Other Fracture	63	21	19	0	103
Subdural Hemorrhage/Hematoma	21	0	1	0	22
Brain Damage	7	2	0	0	9
Dismemberment	0	0	1	0	1
Burns, Scalding	154	20	3	0	177
Poisoning	4	0	0	0	4
Inappropriately Given Drugs	45	29	34	1	109
Other Physical Abuse or Injury	403	522	699	25	1,649
Inappropriate Punishment	452	567	570	35	1,624

Sexual Abuse:					
Sexual Exploitation	11	26	24	1	62
Sexual Abuse	657	855	819	23	2,354
Incest	38	81	128	0	247

Neglect:					
Locking In or Out, Expelling					
From Home	107	116	202	13	438
Abandonment	211	74	69	1	355
Failure to Thrive Due to Neglect	89	10	0	0	99
Lack of Supervision	3,096	2,400	1,269	111	6,876
Physical Neglect	4,407	2,938	1,293	71	8,709
Emotional Neglect	1,629	1,800	1,659	43	5,131
Medical Neglect	852	411	178	4	1,445
Educational Neglect	51	880	997	11	1,939
Exposure, Freezing, Exhaustion	21	7	6	0	34
Malnutrition Due To Improper Feeding	30	9	4	0	43
Repeated Ingestions	6	0	0	0	6
Home Schooling	0	2	1	0	3
Other Abuse or Neglect	125	75	72	3	275
Threatened Harm	3,426	2,026	1,434	63	6,949

CA/N REPORTS FY85 (July 1984 thru June 1985)

County	07-84	08-84	09-84	10-84	11-84	12-84	01-85	02-85	03-85	04-85	05-85	06-85	Total
Adair	16	17	15	20	9	9	12	10	18	15			141
Andrew	9	14	9	12	9	2	8	3	10	13			89
Atchison	3	3	3	4	5	.	1	3	3	2			27
Audrain	16	21	19	25	21	18	10	13	20	21			184
Barry	14	13	14	15	9	15	12	14	15	12			133
Barton	10	3	10	10	5	2	16	9	11	1			77
Bates	4	8	10	12	3	12	9	10	12	11			91
Benton	5	1	5	5	4	3	7	14	9	3			56
Bollinger	5	4	2	.	4	5	5	2	6	3			36
Boone	74	84	92	100	96	70	91	83	93	89			872
Buchanan	139	134	140	162	153	105	130	102	137	135			1,337
Butler	45	39	36	40	19	20	33	36	35	26			329
Caldwell	3	4	4	5	6	8	4	3	4	4			45
Callaway	20	28	25	42	29	22	26	19	28	28			267
Camden	19	21	16	10	8	15	14	11	11	13			138
Cape Girardeau	30	41	42	36	25	28	31	29	43	24			329
Carroll	6	5	9	2	6	5	8	7	8	9			65
Carter	2	5	5	4	2	3	10	4	6	7			48
Cass	37	47	33	46	31	40	35	35	51	50			405
Cedar	3	6	8	18	6	5	4	9	12	7			78
Chariton	9	11	6	4	3	3	7	2	9	4			58
Christian	12	23	16	32	18	24	33	23	31	20			232
Clark	2	6	5	8	4	2	3	6	2	2			40
Clay	64	77	72	87	56	63	57	65	76	71			688
Clinton	17	12	10	4	4	7	2	6	12	5			79
Cole	44	34	33	36	17	25	22	26	34	30			301
Cooper	6	12	6	10	5	4	7	8	11	12			81
Crawford	8	9	23	10	16	14	19	9	17	25			150
Dade	5	6	2	3	.	2	4	5	2	3			32
Dallas	4	9	12	15	3	6	10	6	8	6			79
Daviess	7	7	6	1	4	4	5	3	6	4			47
Dekalb	3	4	2	6	4	4	3	4	5	7			42
Dent	12	15	23	17	15	12	12	17	29	13			165
Douglas	8	6	13	9	8	4	10	7	6	6			77
Dunklin	60	63	57	76	36	38	53	41	57	51			532
Franklin	59	56	60	52	62	53	52	49	64	62			569
Gasconade	3	4	2	16	6	5	7	3	7	7			60
Gentry	3	1	2	4	4	1	1	2	5	4			27
Greene	141	151	133	140	122	74	130	106	119	113			1,229
Grundy	6	3	2	4	9	2	4	3	4	7			44
Harrison	12	7	8	.	1	2	6	9	4	8			57
Henry	17	18	20	16	16	12	11	19	20	19			168
Hickory	2	2	.	2	5	2	2	5	4	4			28
Holt	1	6	4	6	2	2	5	2	3	4			35
Howard	7	2	4	12	7	11	4	2	6	7			62
Howell	33	36	24	34	19	27	25	30	29	26			283
Iron	10	9	11	10	10	5	10	9	4	3			81
Jackson	535	524	457	498	426	368	449	430	519	508			4,714
Jasper	68	101	75	65	47	59	67	64	74	81			701
Jefferson	108	131	118	149	106	94	114	118	130	137			1,205
Johnson	26	20	25	36	24	33	28	40	38	40			310
Knox	3	3	4	2	2	.	4	3	3	5			29
Laclede	20	20	20	21	15	9	28	15	23	20			191
Lafayette	11	19	21	18	23	15	14	24	17	23			185
Lawrence	18	23	15	13	23	22	17	22	37	22			212
Lewis	1	2	5	9	6	5	1	6	5	4			44
Lincoln	10	22	14	16	17	13	9	16	15	24			156
Linn	6	7	12	8	4	.	4	5	4	10			60

CA/N REPORTS FY85 (July 1984 thru June 1985)

County	07-84	08-84	09-84	10-84	11-84	12-84	01-85	02-85	03-85	04-85	05-85	06-85	Total
Livingston	8	8	10	8	11	5	6	8	10	11			85
McDonald	14	15	16	23	15	12	15	9	21	14			154
Macon	6	6	6	9	12	5	7	6	9	10			76
Madison	8	10	7	11	11	3	13	2	16	10			91
Maries	2	2	3	2	13	4	3	3	4	2			38
Marion	20	27	23	17	18	19	21	25	28	33			231
Mercer	.	2	2	.	1	1	.	2	1	1			10
Miller	16	17	30	28	20	24	17	21	25	25			223
Mississippi	11	15	14	13	5	12	15	17	16	7			125
Moniteau	12	5	6	6	4	2	10	11	3	6			65
Monroe	2	6	1	3	2	2	3	3	3	5			30
Montgomery	11	4	8	3	2	4	11	8	15	12			78
Morgan	13	9	9	3	5	11	8	6	6	4			74
New Madrid	20	17	19	17	14	17	20	12	30	18			184
Newton	17	31	32	34	30	32	23	34	36	32			301
Nodaway	4	16	7	6	4	6	8	6	10	10			77
Oregon	7	12	8	6	7	1	5	8	7	8			69
Osage	1	7	6	4	1	5	3	2	9	2			40
Ozark	3	4	12	6	5	2	5	3	2	5			47
Pemiscot	32	19	41	44	33	31	38	28	45	36			347
Perry	8	9	18	13	10	7	3	8	7	6			89
Pettis	41	54	39	42	17	27	26	24	38	48			356
Phelps	24	24	17	16	21	17	19	20	25	20			203
Pike	11	8	4	11	8	13	8	11	9	13			96
Platte	16	21	26	25	25	23	36	11	17	17			217
Polk	5	11	16	9	10	10	12	7	6	7			93
Pulaski	28	35	30	41	20	24	27	24	32	29			290
Putnam	1	3	0	.	.	.	1	2	1	.			8
Ralls	3	5	6	2	4	5	7	2	3	3			40
Randolph	16	34	23	24	16	17	17	16	17	18			198
Ray	20	12	14	17	11	11	22	9	10	12			138
Reynolds	13	4	9	6	5	3	3	1	5	3			52
Ripley	.	10	10	11	9	10	9	9	12	7			87
St Charles	76	95	96	103	74	72	95	89	101	98			899
St Clair	9	9	4	4	4	2	5	6	6	7			56
St Francois	49	54	36	58	36	32	33	22	38	38			396
Ste Genevieve	4	3	8	6	7	9	12	2	12	11			74
St Louis County	374	455	372	429	395	294	385	351	442	422			3,919
Saline	28	24	21	16	23	18	17	14	19	16			196
Schuyler	4	6	2	3	2	2	.	2	3	.			24
Scotland	4	.	1	1	2	1	1	3	1	1			15
Scott	30	30	28	36	26	29	28	29	28	40			304
Shannon	3	3	4	7	7	8	4	5	7	3			51
Shelby	4	1	1	4	5	1	5	3	7	2			33
Stoddard	16	22	19	16	16	16	14	22	32	14			187
Stone	3	9	6	9	9	5	9	8	3	13			74
Sullivan	4	4	3	1	6	6	3	4	3	.			34
Taney	12	23	24	28	22	19	10	14	23	16			191
Texas	26	30	20	19	17	18	17	13	12	15			187
Vernon	17	13	7	15	14	18	12	12	8	17			133
Warren	8	8	4	10	9	8	8	6	12	10			83
Washington	22	28	26	27	18	16	23	16	28	27			231
Wayne	9	12	7	7	11	11	1	13	8	16			95
Webster	25	23	19	24	17	5	18	16	17	23			187
Worth	2	1	1	1	.	1	.	.	3	.			9
Wright	22	29	25	21	18	12	16	22	26	28			219
St Louis City	528	593	450	478	459	404	525	501	566	466			4,970
Court Investigation	9	7	7	8	5	5	7	4	9	6			67
STATE TOTAL	3,502	3,903	3,482	3,808	3,170	2,790	3,374	3,161	3,863	3,593			34,646

On September 6, 1985, our 13 year old son was cleaning fish in the front yard with a kitchen knife. After he was done, he attempted to stand the knife upright in a piece of wood. His hand continued down the knife cutting (very severely) the last two fingers on his right hand. My husband rushed Dale to the hospital in South Kansas City only to be told that he would have to take Dale to the Saint Joseph Hospital to be seen by a plastic surgeon. The Plastic Surgeon performed surgery that night to try to save the use of these two fingers. The prognosis at this time is not to promising, Dale still cannot move his little finger and we are suspecting that Dale will have to have further surgery in the future. I chose to tell you this story because last Sunday, a hot line call was made against my family. The caller, who wished to remain anonymous, claimed that our son was pushed down steps with enough force to tear the flesh away from his fingers. They also claimed that our oldest girl was walking around with a black eye that my wife had given her and that the oldest girl was continually beating up the other two children in our house.

Because of the eyewitnesses, the fact that my oldest daughter does not, nor never has had a black eye, and the others are not being beaten up by the oldest girl I strongly feel that anonymity is a disclaimer to a lie!

Again, another anonymous call in the summer of 1982 had us cutting the flesh off of our sons back. His injury occurred while playing with 9 other children in the back yard of a neighbors home. The children were playing baseball needed bases, and decided to take a rusted old curtain rod bend it apart and stick it into the ground. Dale slid for home plate and the rest is history. There were witnesses to this incident also, and again anonymity is the culprit.

When these calls occur, a multitude of thoughts run through your mind including: who placed the call, why is our integrity being attacked, and how will we pick up the pieces at home? You also get the feeling that if what you are doing is really worth it. There is really no way of measuring the injured feelings of everyone involved in a situation such as this. Another feeling you have is the fact that you have no control. Here is the scenario: My wife calls me at work, we have a problem, our kids have called and they are hysterical, an investigator

has just quizzed the kids at school, they were pulled out of class by the principle with no explanation, taken to a room and quizzed about all that had happened at home. Sure, surprise is a great tactic, but the investigator in this instance stated to our two daughters individually that the other has placed the call, is this a tactic to get more information? The kids want out of school, how are they going to explain to their classmates? My wife goes to the school to begin to pick up the pieces. Then there are the follow up calls, visits, possibly even visits to the neighbors.

When all this happens, I feel like opening up the entire front of our home, encasing it with glass so that investigators, caseworkers and any other interested people may observe what takes place in our home.

Mandated reporters give their names, we strongly feel that names should be required on all incoming calls, if the call is substantiated, no name should be given to the accused. If the call is unsubstantiated, the name of the caller should be released to the accused so that the accused has recourse to stop the harassment.

Furthermore, it is our understanding that hot line calls regarding foster children are handled by juvenile hall and calls regarding natural children are handled by d.f.s. In our case, if the investigator had contacted our children's case worker and then followed up and contacted our case worker, he would have found out some very pertinent information. When we asked why the two offices did not communicate about this call, we were told that it was not required. The information that the case workers would have been able to provide would have eliminated the need to pull the children out of class and frighten them. The three children we have had all been abused children in their natural home. They have been through the investigation process before. Children's imaginations run wild with fear. When my wife picked up the two girls, they were in the process of leaving school to avoid the worker returning to take them away. The whole system of foster care is to provide the children with the feeling of security and well being, this was destroyed in less than 30 minutes by a man who simply did not take the proper steps.

Four years ago my wife had to make an abuse hot line call. A child who was in her girl scout troop was coming to the meetings each week with

bruises on her face and body. When my wife called she gave them her name, address, home phone number, and work number. The child was interviewed and promptly removed from the home.

The abuse hot line is a very important link to prtecting the abused. But, in the process of trying to protect the abused, we cannot allow the system to continue to ABUSE the innocent. Something has got to be done to stop harrasment calls!

Harry Johnson
Nile Johnson

9-18-1985

KAYE STEINMETZ

I WANT TO START OUT BY SAYING THAT IM A FOSTER PARENT.HERE IS MY GRIPE AND I HOPE YOU CAN PUT SOME LIGHT ON IT AND SEE WHAT CAN BE DONE.

ON 8-12-85 I WENT TO THE OUT PATIENT AT RESEARCH HOSPITAL TO HAVE SURGERY ON MY HAND THEY CALL IT CARPAL TUNNEL.MY MOTHER-IN-LAW STAYED IN MY HOME TO TAKE CARE OF THINGS . MY SON WAS TRYING TO HELP HIS GRANDMOTHER FIX BREAKFAST SO HE MADE TOAST NOT THINKING IT WOULD BURN,HE PUT THE TOAST ON THE BABY'S TRAY AND HE PUT HIS ARM ON IT AND IT BURNED HIS ARM ABOUT THE SIZE OF A QUARTER AND A SMALL ONE ABOUT THE SIZE OF A SMALL LIMA BEAN.MY MOTHER IN-LAW PUT SOME VASOLINE ON IT.THE WORKER WAS TOLD OF THIS AND I THINK THAT SHE FORGOT ABOUT IT,IN THE MEANTIME HE HAS HAD VISITS WITH HIS MOTHER AND NOTHING WAS EVER SAID.THE MOTHER HAD A VISIT THE 5th OF SEPTEMBER I GUESS SHE SEEN THE SCAR ON HIS ARM AND SUPPOSEDLY SHE REQUESTED THE WORKER TO TAKE HIM TO THE DR. TO LOOK AT THE SCAR THAT WAS HEALED.THE WORKER PICKED UP THE LITTLE BOY AT 1:45 P.M. FOR A VISIT.THE WORKER CALLED ME AT 3:05 TO TELL ME THAT THE MOTHER WAS LATE AND SHE WILL BRING THE BOY BACK AT 4:00 P.M. AND TIME WENT ON UNTILL SEVEN O'CLOCK THAT EVENING AND I WAS WORRIED TO DEATH AS I DIDN'T KNOW WHAT HAD HAPPENED AS SHE DID NOT CALL BEFORE SHE LEFT THE OFFICE TO TAKE HIM TO THE DOCTOR.THE NEXT DAY I WAS HOT-LINED ABOUT THE SCAR ON HIS ARM.I THINK IT WAS DIRTY POOL I WOULDN'T HURT A HAIR ON HIS HEAD.I'VE HAD 46 CHILDREN IN MY HOME OVER 13 YEARS,AND I HAVE LOVED EVERY ONE OF THEM.THE BURN ON HIS ARM WAS AN ACCIDENT AND THE PEOPLE FROM THE COURT HAS BEEN HERE TWO DAYS AND AT MY MOTHER IN-LAWS ONE TIME.WHEN THE WORKER BROUGHT THE LITTLE BOY BACK SHE SAID SHE WANTED TO EXPLAIN THE REASON FOR THE TRIP TO THE DOCTER IN PERSON ,BUT IN THE MEANTIME I WAS WALKING THE FLOOR AND CRYING NOT KNOWING WHAT WAS GOING ON.I CALLED HER SUP.AND SHE TOLD ME THAT THE WORKER HAD CALLED HER ABOUT THE TRIP TO THE DOCTOR,ALSO LOUINE NAVE A MASTER FOSTER PARENT KNEW OF THE ACCIDENT ON THE LITTLE BOY'S ARM AND SHE TOLD ME TO CALL THE WORKER AND I DID THE NEXT DAY AFTER IT HAPPENED AS WHEN I CAME HOME FROM THE HOSPITAL I WAS STILL WOOLY AND I WENT TO SLEEP WHEN I GOT HOME. NOW I HAVE TO WAIT 2 MONTHS BEFORE THEY WILL GIVE ME MY THIRD CHILD TO COMPLETE MY QUOTA OF CHILDREN THAT I AM LIC.FOR.

MARY VANLANINGHAM

TESTIMONY PREPARED FOR THE HOUSE INTERIM
STUDY COMMITTEE ON ABUSES OF THE
CHILD ABUSE REPORTING LAW

Public Hearing on September 30, 1985

My name is Rev. Richard Eissfeldt, the president of Lutheran Family and Children's Services of Missouri (LFCS). LFCS is a non-profit social service agency with a long history of ministry and advocacy on behalf of families and children in need. Tragically, child abuse is often one of the issues which confronts us as we carry out our mission. We are painfully aware of the magnitude and seriousness of this problem and commend the efforts of the legislature to protect the children of this state.

We also wish to thank you for this investigation into the actual application of these laws. Inherent in the hot-line concept is the anonymous reporting of suspected abuse. This is the strength of the law in detecting abuse. It is also what makes it so open to misuse by individuals who wish to falsely accuse others. Our agency has become aware of the pain inflicted on innocent families who get caught up in the system because of inaccurate and sometimes malicious reports.

However, we are not here today to advocate a change in the law. The welfare of children must be the prime concern and the hot-line has been known to save lives and end cruelty. We are faced with accepting the fact that the hot-line will at times be abused by private citizens. What we do not have to accept is an investigative process that further traumatizes the innocent.

Any investigation into suspected abuse is going to be a delicate process whether substantiated or not. It requires a sensitivity and expertise not evident in all state protective service personnel. A trained and caring worker can help a victimized family handle a false report. Unfortunately, many cases are handled in a style that intimidates and conveys that the accused are guilty until proven innocent. Often workers are overworked and over stressed which further decreases their effectiveness.

We have recently worked with a family where the caseworker severely traumatized the very people making a report on the sexual abuse of their child. When this was reported to the supervisor the case was closed without offering any of the available support services to the child victim and family.

We are suggesting that one of the reasons for the variance in client treatment under the law and the abusiveness of the system is the variance in skill level, philosophy, and training of those implementing it.

If the hot-line concept is to be effective it requires that sufficient highly skilled, better trained, better paid and better monitored staff be the ones that carry out a sensitive but thorough investigation. Otherwise it can become a witch hunt where both the victim and the accused end up feeling further abused by the state. It is not abuse law that is being called into question, but rather the quality of its administration.

At LFCS we are also acutely aware of the problems that low-income families face in meeting the basic needs of their children. Often the hot-line is used to report neglect which is really the families' inability to provide food, shelter or health care. We would like the state to show a preference for keeping the family intact by providing the necessary resources rather than removing or threatening to remove the children. This is not only more humane but ultimately more cost-effective than placing the children in foster care.

In conclusion we favor a strong stand against child abuse and neglect and support the legislation needed to combat it. This however intensifies the need for the Division of Family Services to have the resources it takes to deal responsively with these families. We urge this committee to seriously assess the Division's current capacity to deal effectively with the cases the hot-line generates, help provide the resources it needs to function, and monitor the quality of its interaction with the public.

I have staff with me who would like to share some case examples.

LUTHERAN FAMILY AND CHILDREN'S SERVICES OF MISSOURI

4625 Lindell Blvd. - Suite 501

St. Louis, MO 63108

(314) 361-2121

My name is Marian Haynie, and I am the Director of Hilltop Day Care Center, sponsored by Lutheran Family and Children's Services. We are a licensed facility for ninety children, and we are located in North St. Louis.

As a day care provider who has seen examples of child abuse, and as a vendor who has also received referrals of children in Protective Services from Division of Family Services, I am a strong advocate of the Child Abuse Reporting Law when properly applied. However, I would like to share my experiences as a victim of the law when it has been abused, and the problems I've encountered with individuals workers sent to investigate a report. Briefly, an irate parent called the hotline because her child had a blister on his finger from touching a hot popcorn popper while at the center. When the worker came to investigate, she interviewed the teacher in charge of the child at the time of the incident, more members of the staff, and myself. Weeks passed without any word from Division of Family Services, and being concerned about the outcome of the investigation I called DFS, spoke to the worker directly involved in the case, and was told the center was found not to be in neglect. Several weeks passed again with still no written communication from DFS, when they in turn phoned and told us that we in fact had been found in neglect. Obviously we were confused about the actual outcome of the case, having no written documentation, and no access to the way a decision was made concerning our case. Eventually, we were found again not guilty of neglect but to this day I have never received any written report on the investigation, the decision-making process nor any information about the center placed in Division of Family Service's files. I am not the only day care provider who has gone through such experiences, and DFS inability to inform properly providers under investigation concerns all of us who believe in responsible day care.

REPORT
TO
LEGISLATIVE COMMITTEE
ON
ABUSE
OF
CHILD ABUSE HOT-LINE

September 30, 1985

Laura Rogers
43 Judy Dr.
St. Charles, MO
(314) 946-3743

The best laid plans of mice and men often go astray. The child abuse hot-line is no exception.

A breakdown in communication has occurred. I'm grateful for this interim committee so the problems with the hot-line can be corrected.

I'm going to give you six case histories that will explain how the hot-line makes a negative impact on the community.

You don't hear of many case histories because the one who calls the hot-line is by law given anonymity.

The law gives the accused confidentiality no matter how serious the abuse, unless he goes to court.

And, of course, since the legislature has given immunity to the accuser, the social worker or state informers, misuse of the system is concealed. No one is accountable for his actions.

Let me explain how it works by showing six actual case histories.

Case #1:

Larry is the father of four children. One weekend, when his two year old girl ran out into a busy street, he spanked her. The police arrived in response to a hot-line call, within minutes of the spanking, because they work seven days a week, around the clock. Social workers don't. They saw right away that this was not a case of abuse and advised the daddy to do necessary spanking inside the house because so many people make foolish hot-line calls. One of the officers also told him that there is a lot of hysteria about child abuse these days and parents have to be careful. Of course, the daddy doesn't know who called so he is suspicious of all his neighbors. The caller is anonymous.

Case #2:

A teacher from a Lutheran school spanked a student. The parents were furious. They called the school board, the pastor and had several meetings. The pastor and board decided to support the teacher's actions. So the disgruntled parents made a hot-line call on the teacher. The teacher was so angry that she started hot-lining every possible "suspected" incidence of abuse or neglect.

You never saw such a mess in your life. Parents against school board, board against parents, teachers against parents. Everyone at everyone else's throats.

But we aren't finished yet.

Case #3:

One of those parents who got caught up in this situation now becomes case number three.

David had soundly spanked his oldest son, so this angry teacher hot-lined him. The fact that the child had been playing with lighter fluid in a closet, had doused it on his sibling and was caught as he was striking a match didn't stop the social worker. "Excessive discipline," was what she called it and if David and Faith refused her professional counseling she told them

she would have to begin court proceedings to remove the children from the home.

In case number one the police arrived in minutes. In case number two a great big mess was stirred up that led to social workers threatening to orphan children if the family didn't cooperate, as in case number three.

Case #4:

Tammy was a troubled eight year old. Her mother abandoned her at age three but her daddy and her step-mother loved her very much. Grandma and Grandpa and aunts and uncles knew she was a handful but they loved her too and would never give up on her.

One day, Tammy stole money and bought ice-cream on her way home from school for lunch. She had the evidence on her face and dress. When her daddy saw it he investigated. Sure enough, she went back to school teary eyed, sporting a red bottom.

She told her tale of woe to her teachers and school nurse who began their own investigation. Tammy was stripped and examined. Yes, her bottom was red. And troubled little Tammy saw her power in the situation. She began to help the nurse and teachers with their suspicions by lying. Her daddy was hot-lined.

The next day a social worker showed up with a removal order and two police officers to enforce it. Tammy was forcibly taken from the home. She was carried out crying, "I'm sorry, I didn't mean it, Daddy, don't let them take me!" But it was too late. Tammy had lied, she had stolen and now she was being punished.

How do you suppose this impacted on the rest of the family, already dealing with this difficult little child? After many months, expensive legal and medical fees, Tammy was won back in an emotional court battle. But her step-mother and Tammy's half-brothers were gone. The fear that the state would try to take the rest of the children so consumed this mother that she fled with them to a place where she felt safer! This tragic situation ended in divorce.

This case went to court, so the teachers have lost their anonymity but not their immunity. The bureaucrat, or social worker, as an agent of the state is immune. The case is a matter of public record.

The child has been abused by the system.

Only little Tammy feels responsible.

Case #5:

Diane has four little girls. The oldest one is six, the youngest 14 months. When Diane heard the doorbell she hurried to answer it because she had just bathed them and put them down for a nap. And there at the door stood two uniformed police officers and a social worker. Diane had been hot-lined. The children were awakened from their nap and examined. Not a mark was found on them. Lucky for them, because even if the toddlers had a bump or bruise from a recent fall, the police were there to take them all away.

The social worker said, "I don't think you are abusing your

children. I hope you aren't, but I can't find any evidence to substantiate this case."

To say that Diane was terrified is an understatement. She suspected everybody. She cried and couldn't sleep nights; any tiny mark on her active little girls bodies and another hot-line call and she would lose her children. She couldn't even face her accuser. She didn't know who it was.

The caller is anonymous and immune even if the call is malicious as was revealed later in this case.

There aren't many real secrets in this world, so it wasn't long before the informer revealed herself to a friend who told another friend and pretty soon someone told Diane how and why the call was made. Diane then went to the teacher who had instigated the call. She went to the secretary of the school who had reported the suspicion to the administrator. He, who had no knowledge of the impact of a hot-line call, reported third hand to the hot-line intake worker.

In the end the teacher who instigated the whole thing apologized. Her reason for reporting? She had taken care of Diane's children while the family was busy moving into a new home. She had become so attached to the oldest child that she thought no one else could take proper care of her and she wanted authoritarian supervision of the family by the state.

Case #6:

A single mother gave her two boys some quarters because there was a new video game at the laundromat down the street. The boys were having fun and mom had Saturday morning to clean house. The boys were welcome at the laundromat. The owner put the machine in there for children, so mom didn't worry. But after a while their money ran out. The owner now saw that there was no profit in letting the boys stay around. But boys, being boys, started acting silly and playing with the metal clothes carts. The owner called the hot-line. It was several days before mom heard about it when the social worker knocked on her door.

She was so shocked at the ridiculous accusation of child abuse that she couldn't take it seriously. She didn't cooperate with the social worker. In Missouri it is very unwise to make a social worker mad. It can even be fatal. They have ways of dealing with angry parents. The social worker wrote a report that resulted in the forcible removal of both boys who were then placed in foster care. The mother was overwhelmed with shock and grief when she called me. But she had only begun to suffer.

A few days later she called again. This time she said, "They killed my son. They killed my baby."

The State had taken two boys from their natural mother who had protected them for 12 years. In all those years of youthful playing she had kept them from serious injury. And now, less than a week after the State had orphaned them, taken them from their mother and placed them in "protective custody," one was dead. The other one was in shock after helping fish his brother's lifeless body from a swimming pool. The foster parents had a swimming pool but they had neglected to find out that the dead boy couldn't swim.

I interviewed the director of a large residential care facility, a certified vendor of the DFS in St. Louis, only a few weeks before this child died. Asking him how the children felt when they were taken away from their parents, he made this callous, indifferent remark. "They don't care. To them it's just another bed to sleep in."

For this child it wasn't just another bed to sleep in, it was his last.

The hot-line generates a lot of statistics. I interviewed a social worker about the great numbers of calls and he said, "We get so many of them we just treat them like a garbage collector handling another trash can." Thousands of calls are made every year. Half are not substantiated but over 30,000 families live in fear. The other half, that are called substantiated, are questionable, such as case number three, four and six of this report.

State records show that only 2% of the cases are taken to court and found guilty. Out of 63,000 calls, only 2% have enough validity to justify a verdict of guilty. Yet 98% of the accused are harrassed by the State.

The hot-line cannot be regulated.

The people who investigate are the ones who profit by finding something wrong.

It sets people against each other.

It orphans children.

It breaks up homes.

It gives emergency powers to bureaucrats in non-emergency situations.

It forces families to take compulsory psychiatric counseling from state employees who have only 5 weeks of training.

The State doesn't know any more than any other person about what makes a family good.

When it comes to crime -- rape, murder, assault -- children need police protection. Child abuse should be reported to the police, who respond in minutes. Not to social workers who can and do wait 24 hours or more before acting, and have weekends off.

If the police are adequate to handle the calls on weekends and after hours, they should be able to handle the calls all the time.

Services to truly poor and needy families don't have to be abolished but forcing a family to take counseling by stealing children away is reprehensible.

You legislators, who are here, represent the body that inflicted this child abuse system on us. You may not have voted for it yourselves. You are not personally responsible for Tammy and the little boy who drowned. Yet somebody must be responsible.

State employees are immune. They aren't responsible. The accusers are immune. They aren't responsible. The social workers are immune. They are just protecting their jobs.

Mrs. Steinmetz, when I opposed you in the legislature back in 1982 on House Bills 1171 and 1173, you had an argument I couldn't refute. You said that if the hot-line helps even one child then it is worth keeping. Conversely then, if it hurts even one child, you should be the first to suggest its elimination.

It is very hard to admit that you were wrong when you passed the laws in Chapter 210 of the Revised Statutes of Missouri (RSMo.). I am appealing to you to admit that you were wrong.

As a child advocate actively working with children abused by the State, its reporting system and its aggressive ineptitude, I am making these recommendations:

- 1) I recommend that the child abusing hot-line be replaced by direct reporting to the local police department.
- 2) I recommend that those people who make reports be held accountable for their accusations.
- 3) I recommend that the services offered by the DFS be made voluntary and that any state employee who threatens to take children away in order to force parents to submit to the state be fired.
- 4) I recommend that people who commit child abuse or neglect be vigorously prosecuted -- not in juvenile court but in appropriate court where the guilty go to jail.

The state of Missouri has demonstrated that it makes a very poor parent.

TESTIMONY

RE: "Abuses of the Child Abuse
Reporting Law"

TO: Interim Committee of the
House Committee on Children,
Youth and Families

PRESENTED BY:

Kathy Doellefeld-Clancy, M.Ed.

DIRECTOR - Court Appointed Special
Advocates, St. Louis County

DATE: September 30, 1985

Court Appointed Special Advocates, a project of The National Council of Jewish Women, provides trained volunteers who, as officers of the St. Louis County Juvenile Court, serve as independent advocates for abused and neglected children in foster care.

As advocates for children, we were extremely concerned when we reviewed legislation introduced last session (H.B. 815 and S.B. 385) which proposed significant alterations in Missouri's current child abuse and neglect reporting and investigation statutes! We realize that there are those who abuse the current law in order to harass an estranged spouse, relative or unrelated family. We understand that some families are at the least inconvenienced and at worst feel a real infringement upon their privacy when false reports are investigated. We are keenly aware that the staff of Division of Family Services is spread quite thin and experiences great frustration when their resources are used investigating such calls. However, adults can and must tolerate frustration, inconvenience and even anger more easily than children can tolerate abuse or neglect.

The statistics on abused and neglected children in Missouri clearly illustrate that we cannot afford to even slightly relax our efforts to identify and protect them. In 1984, there was a 14% increase in calls to the child abuse hotline. Of these calls, approximately 50% were confirmed as reason to suspect abuse or neglect. Some of the calls are not substantiated because the Division of Family Services is unable to locate the child. Surely, only a small proportion of those remaining unsubstantiated calls are made purely for purposes of harassment. There was an 18% increase in the number of abused and neglected children receiving services. What is most alarming is the 38% increase in children dying from abuse or neglect in Missouri in 1984.

Allowing discretion in which reports will be investigated, and increasing the time allowed to initiate investigations only creates more potential for human error. Can we afford to risk our children's well-being or their very lives for the sake of adults time, convenience and feelings? We think not.

Missouri's current statute clearly states that "any person intentionally filing a false report shall not have immunity, from any liability, civil or criminal". We recommend that the Division of Family Services work with prosecutors and/or the legislature to develop means and procedures for identifying those who intentionally abuse the hotline, and ensuring that they are held liable.

It is impossible to guarantee that the hotline will never be abused. However, relaxing the requirement to investigate all calls and the time frames for the investigation will only relax the protection of our children. The increasing deaths and injuries of our children hardly justify this.

Missouri's current child abuse and neglect investigation statute provides necessary protections. What is now needed, and is allowed under the current statute, are means and procedures to hold liable those who abuse the hotline.

Sept. 30, 1985

We were "Hot-lined" two years ago. A social worker came knocking at our door demanding to see our three children who are now 10, 7 and 5. My wife was shocked to have this person at our home wanting to question our children. We have always taught them not to talk to strangers. They were good children and were cautious in reacting to these questions this stranger was asking them. We were open and felt we had nothing to fear or hide until we heard the intimidating threats coming with each repeated phone call. We became very protective and cautious from then on. We were told our children were emotionally withdrawn and neglected. Here an anonymous phone caller, whom to this day we still don't know, lead a stranger to our door step with some very intimidating threats. We began to fear for our children. For the next four months this whole situation brought great mental strain upon such an innocent family as ours.

Sincerely,
Kenneth L. Weter

Kenneth L. Weter
2331 St. George
St. Charles, Mo. 63301
723-1621

TESTIMONY
REGARDING "ABUSE" OF CHILD ABUSE REPORTING LAW

PUBLIC HEARING, MISSOURI HOUSE OF REPRESENTATIVES
SELECT COMMITTEES ON CHILDREN, FAMILIES AND YOUTH
Representative Kaye Steinmetz, Chairman
Wainwright Building
September 30, 1985

Clinton D. Gortney, Ph.D.

Members on the Committee on Children, Youth and Families, my name is Clinton Gortney and I am the Executive Director of the Emergency Children's Home, also known as the St. Louis Christian Home, a facility of the Christian Church (Disciples of Christ) in the St. Louis metropolitan area. The Emergency Children's Home responds to the needs of abused and neglected children, primarily adolescents who have been separated from their homes via the Child Abuse Hotline and subsequent services. It also frequently responds to Hotline investigation personnel directly, because of the nature of its business and inquiries which come regarding the services at the Home. ECHO is a residential treatment service which accepts abused and neglected children, primarily adolescents who are otherwise hard to place, and often accepts them in emergencies when they have nowhere else to go. ECHO is a not-for-profit, charitable children's service.

I am here to offer testimony on the issue before you. I am glad to see you considering the problem of abuse of the Child Abuse Hotline reporting procedures under the Child Abuse Reporting Law. Although the title of this hearing seems redundant in many ways, it is a fact that there is substantial abuse in the State of Missouri, use of the Hotline in ways that are not intended directly to serve children, or in ways that are not intended directly to protect the rights of those who are accused.

In the spring and summer of 1985, you considered a Senate Bill which addressed this issue. As you may recall, the Bill was designed to allow the Missouri Division of Family Services to exercise discretion in child abuse and neglect calls, to establish priorities by timelines in investigations. I testified at that time that we must avoid piecemeal revision and yet there are several issues active before us. It is important to understand that there are many, many cases where children have been saved from serious harm by the Hotline, or where children have gotten clothing and food when they did not have it because of the intervention of some caring citizen via the Hotline, or related cases. During 1980-85, it is probably conservatively correct to

say that more than 200,000 calls have been logged to the Missouri Child Abuse Hotline, and probably more than 90,000 have been substantiated cases. Of those 90,000 children, the statistics are reliable that many, many thousands have been saved from serious injury, death or deprivation through the intervention of the Hotline. Therefore, when one hears cases as you are today, persons who have been victimized by the Hotline because they were unfairly investigated, a proper perspective must be kept in place. In discussing issues about abuse of the Hotline, what we are really discussing is an analogous to a painter painting a house. Most of the paint goes on the house (as in the Hotline) and some paint always goes on the ground or undesired other places, such as on the painter (as in the case of abuses of the Hotline). Let us not confuse the painting the house with the paint on the ground.

These appear to be the major issues before you:

1. The Question of False Reports

This issue refers to frivolous calls, the unsubstantiated calls which come into the Hotline, the malicious reports, the deliberate falsifications, and use of the Hotline for personal agenda items (such as divorce cases where spouses report on each other because of custody cases, etc.) This issue has generated more testimony than any other single issue over the years, and is one of great concern to all of us. This issue brings the state into play often when there is no real legal suspicion of wrong doing, simply a suspicion that someone has perhaps raised a child in a way that another person does not approve. It creates conflict between styles of parenting and every now and then results in a highly publicized incident like the one recently at a local defense contractor site. Apparently a mother grounded her teenage daughter as punishment for an offense at home, was reported as an abuser to the Hotline, was investigated, and was found as a substantiated abuser and arrested at work and lost her job (at the contractor site). There is lots of heated debate around this issue.

This committee has begun to address this issue by proposing penalties under law on frivolous calls, penalties for false use of the line, and the like. It should also consider the possibility of strongly worded strengthened guidelines about the proper role of the investigator when these reports are investigated. There is no reason to suspect child abuse simply because a person has called in a report. The investigator must go to the scene prepared to help the family and protect the child, not to be a punitive person. In St. Louis in

particular, it is a common experience for a Social Worker to show up on a front door and the first words out of his or her mouth is "I'm here to take your children" before the parents have any idea of what is going on. Many of them believe it is a joke and when they respond in that way the investigator becomes even more antagonistic and completely untoward in their behavior. There is no excuse for such a thing happening in the State of Missouri. It is wrong, it is not insightful, and it is the kind of thing which will likely result in the abolition of the Hotline, unless something is done to correct it.

2. The Question of False Positives

The term "False Positives" is a statistical term referring to the case of a false identification. In the parlance of the Missouri Division of Family Services, these are "substantiated" child abuse cases, when in fact no child abuse occurred. The incidence of these cases is not known at the present time, although there is much heated debate and public airing of dirty laundry about them. False accusation is a reasonable issue for you as legislators to examine. NO PERSON IN THE STATE OF MISSOURI SHOULD BE SUBJECTED TO POLICE STATE SEARCH OR SEIZURE IN A FALSELY ACCUSING WAY. For instance, a police officer has the right to arrest if he suspects that a law has been violated. However, the police officer is empowered by training and by law to act in certain identifiable ways. The issue at hand is the person's loss of his or her own freedom, not the arrest of another person. Children who are frightened and vulnerable often are taken from their home with no substantiation whatsoever, by untrained workers, and particularly in the city of St. Louis by harsh vindictive workers who do not understand their role in the protection of all citizens under the law. This is a practice which must stop, and you must address by protective legislation.

However, the incidence of this kind of thing is unknown. If one considers a perspective on the problem, fifty thousand calls to the Hotline in one year represent approximately 1% of a state with 5 million people, as in the case of Missouri. Of those 50,000 calls, on the average, 20,000 will be substantiated. This substantiated number represents .4% of the population. Within the "substantiated" group, it is unknown what the incidence of false positives really is. Probably, the greater majority of cases are real and are protective of children, without false accusation.

However, I RECOMMEND THAT THE COMMITTEE ON CHILDREN YOUTH AND FAMILIES CONSIDER IMMEDIATELY THE COMMISSIONING OF AN INDEPENDENT STUDY TO DETERMINE WHAT THE INCIDENCE OF FALSE POSITIVES REALLY IS. Missouri Division of Family Services data can be used as a beginning place with this investigation, but should be independently confirmed, perhaps by the State Auditor or some related office where such a study is appropriately lodged. To ask the Missouri Division of Family Services to conduct such a study is literally like asking the "fox to guard the chickens."

No agency can be expected to report that it is falsely accusing people when it is carrying out its mandate to investigate and confirm cases. A finding of tiny incidence (perhaps less than 1% of all substantiated cases) would eliminate most of the current discussion in the matter. What we are dealing with in that case is not a highly visible, common violation of the law or abuse of the Hotline, but unusual administrative procedures which can be corrected administratively.

Regarding false positives, ECHO has been involved in about a dozen reports to the Hotline during the last five years, usually made by a parent or by a resident of the Home, alleging negligence on behalf of some Child Care Worker. During this time that approximately 12 reports have been filed, more than 1,200 children have been served at the Home, so it is easy to see that the reports represent a tiny proportion of the total children served. Of these calls, most were made by ECHO staff to report suspected abuses, about half concerning actions with staff and about half off campus activity or abuse by other protectors. Of the 12 reports, only 1 or 2 have been reported back to us after investigation as "substantiated" cases. The rest have been "no reason to believe." The investigations conducted have been overwhelmingly fair until recently; the last two investigators have been capricious and arbitrary, while ECHO places itself entirely at the disposal of an investigator, and usually makes the calls. In the last two cases, we have been treated like convicts who must be controlled, rather than professionals who are trying to help children. I suspect our experience is like those of testimony delivered to you by people who have been mistreated by investigators.

False positives can probably be avoided, to a large extent, by implementing a team approach to investigation, which you have begun to pursue. They can also be avoided by stopping the practice of arrest on the original visit or separation of children on original visit except in cases of clear and distinct life

threatening circumstances to the children. When the investigation is conducted by one person, as is usually the case, vulnerability exists to accusations about opinion in child rearing, or bias. A team approach would substantially resolve this issue.

3. Issue of "Guilty Until Proven Innocent"

As I understand attorneys' discussions about the code of common law from which our system has primarily been derived, even the commonest of the common peasant in Old England had the right of sanctity of his own domain from the King, except under certain rigorous circumstances. Also, persons are innocent until proven guilty in our system, or so we are taught from the time we are small children. While I am proud to be an American and proud to be a Missourian, it is a fact that under the Child Abuse Reporting System and Investigating System as it presently exists, there is a more Napoleonic code at work -- people are guilty until proven innocent. Children are taken away until it can be proven that people are not child abusers. In addition to this, there is no satisfactory way to challenge questionable reports made by an uninformed or biased investigator, and there is no satisfactory means of appeal. I RECOMMEND THAT THE PERSONS WHO INVESTIGATE AND THEIR SUPERVISORS BE MADE LEGALLY LIABLE FOR THEIR FRIVOLOUS ACTIONS IN INVESTIGATING. I RECOMMEND THAT IT BE MADE A MISDEMEANOR CRIME TO INTIMIDATE, HARASS, OR THREATEN PERSONS WITHOUT SUBSTANCE AT HAND REGARDING THESE ISSUES. I RECOMMEND THAT ALL IMMUNITY AGAINST SUIT BE REMOVED AND THAT PERHAPS ANOTHER LEVEL OF ACCOUNTABILITY BE DEVELOPED AS IN AN AUDIT TEAM SO THAT THE PERSONS WHO DO THE INVESTIGATION CAN BE LEGALLY LIABLE FOR THE CONSEQUENCE FOR THEIR ACTIONS.)

When it has been determined that a person has a substantiated case of child abuse on his or her record, a career can be ruined, an image can be destroyed, reputations are torn down overnight, often in cases of questionable substance. To take these cases to court is virtually impossible because of the nature of the evidence, and the damage has already been done. Therefore, I RECOMMEND THAT THE COMMITTEE CONSIDER DEVELOPING LEGISLATION TO ESTABLISH AN APPEAL PROCEDURE WHEN A PERSON HAS BEEN SUBSTANTIATED AS A CHILD ABUSER.

4. The Issue of No Existing System to Deal with Levels of Severity of Child Abuse

There is a big difference between an accidental or unusual incident between a person who has worked with children for 20 years and the case of a molester or rapist or other such abuser.

Under the present system, residential agencies who work with children are recommended to strongly discipline, if not terminate persons who are substantiated on child abuse reports, when those reports may have been made under questionable cases simply to comply with the present law in its wording concerning "suspicion" and a person who is a dedicated worker with children may be unusually or severely punished for a what turned out to be a minor incident in the growth of the child.

I RECOMMEND THAT THE COMMITTEE CONSIDER LANGUAGE TO DEVELOP LEVELS OF SEVERITY OF CHILD ABUSE.

SUMMARY RECOMMENDATIONS

1. I RECOMMEND CLARIFICATION OF PROCEDURES UNDER THE PRESENT SYSTEM TO ALLOW FOR MORE APPROPRIATE INVESTIGATION AND LESS FRIVOLOUS AND HARASSING PROCEDURES FROM HOTLINE INVESTIGATING PERSONNEL.
2. I RECOMMEND CRIMINAL PENALTIES FOR INTIMIDATING, HARASSING OR FRIVOLOUS CALLS. I ALSO RECOMMEND CRIMINAL PENALTIES FOR WORKERS WHO HARASS, INTIMIDATE, OR THREATEN IN THE NAME OF HELPING CHILDREN AND FAMILIES UNDER THE CHILD ABUSE HOTLINE LAW. WE MUST REMEMBER THE PURPOSE OF THE LAW IS NOT TO PUNISH INDIVIDUALS WHOSE ATTITUDES OF CHILD REARING ARE DIFFERENT FROM THAT OF THE INVESTIGATOR, BUT TO ASSIST IN PROTECTING CHILDREN.
3. I RECOMMEND THAT A TEAM INVESTIGATION PROCESS BE DEVELOPED IMMEDIATELY, BUT THAT THE INVESTIGATORS BE TAKEN OUT OF THE ROLE OF "ACTORS" IN THE DRAMA OF REMOVING CHILDREN FROM THE HOME AND SIMPLY GIVEN "INVESTIGATOR" RESPONSIBILITIES. A NEW LAW WITH SUCH A PROVISION COULD CONTAIN IN IT A CLEAR PROVISION TO PROTECT THE WELFARE OF THE CHILDREN UNDER THREATENING CONDITIONS WHEN IT IS CLEAR THAT THE CHILDREN MUST BE SEPARATED FROM HOME FOR THEIR OWN WELFARE, TO SAVE THEM FROM LIFE THREATENING SITUATIONS ONLY.
4. I RECOMMEND THAT LEGISLATIVE PROCEDURES BE ESTABLISHED FOR SATISFACTORY APPEAL. UNDER THE PRESENT SYSTEM, A PERSON IS "GUILTY UNTIL PROVEN INNOCENT" AND HAS NO CHALLENGE RIGHTS AT ALL EXCEPT IN THE COURT SYSTEM.

ALTHOUGH THESE ARE MY MAJOR RECOMMENDATIONS, I HAVE HEARD SEVERAL MENTIONED IN TESTIMONY AND OTHERWISE WHICH I THINK ARE WORTHY OF REPETITION.

1. THE ORIGINAL PURPOSE OF SOCIAL AGENCIES INVESTIGATING THESE CASES RATHER THAN POLICE INVESTIGATING THEM IS TO MAKE THE INVESTIGATION SUPPORTIVE TO THE FAMILY. IF THE INVESTIGATOR FROM THE DIVISION OF FAMILY SERVICES IS GOING TO ACT LIKE AN UNIFORMED POLICE OFFICER AND SPEAK

IN TERMS OF CONTROL AND ARREST BEFORE THEY SPEAK IN TERMS OF ASSISTING THE FAMILY AND HELPING THE CHILD OUT OF A DIFFICULT CIRCUMSTANCE, THEN I BELIEVE THE MISSOURI LEGISLATURE SHOULD CHANGE THE INVESTIGATION TO THE POLICE. HOWEVER, I WOULD RATHER SEE YOU ESTABLISH GOOD PROCEDURES TO ALLOW THE INVESTIGATIVE AUTHORITIES AND DFS TO BE SUPPORTIVE TO FAMILIES RATHER THAN PUNISHING THEM.

2. I HAVE HEARD RECOMMENDATIONS TO ALLOW ELECTRONIC RECORDING OF CALLS, TO REQUIRE INVESTIGATORS TO CALL BACK A NUMBER GIVEN BY THE CALLER; OR OTHER OPTIONS TO PROTECT THE ACCUSED AGAINST FRIVOLOUS CALLS WHERE THE CALLER REMAINS ANONYMOUS AND FACELESS AND DOES NOT HAVE TO FACE ACCOUNTABILITY. I BELIEVE THESE ARE GOOD IDEAS. IT ALSO WOULD BE A GOOD IDEA TO RECORD ALL CALLS WITH A BEEP ON THE LINE AS IS DONE BY POLICE DEPARTMENTS, TO INDICATE THE CALL IS BEING RECORDED SO THAT CALLER UNDERSTANDS THE ENORMITY OF THE RESPONSIBILITY OF THE CALL HE IS MAKING.
3. I RECOMMEND THE INVESTIGATOR BE LIMITED TO THE REASON FOR WHICH THE CALL WAS MADE. PRESENTLY, INVESTIGATORS ROUTINELY OPEN UP CASES TO ALL KINDS OF PRIOR INFORMATION, WHICH IS NOT ALLOWABLE ANYWHERE ELSE UNDER LAW.

CONCLUSION

The law of the great State of Missouri and the people who live under it are obligated, and you, ladies and gentlemen of the legislature are obligated to provide us with the right under the law to face our accuser, to receive clarification of charges, or to get rid of those charges. It is necessary to revise our present structure or get rid of it. I am in favor of keeping our present structure with revisions to protect people against false accusations rather than getting rid of it. Remember that it is common practice in this country for a drug to be thoroughly tested before it is put on the market. If a drug causes untoward or fatal reactions in a small proportion, say 5 persons out of 1,000 tested, it is either withheld from the market or put on the market with great reservations with labeling and the like. The law of the State of Missouri can be and should be no different. It should protect the rights of the few as well as the rights of the many as much as possible.

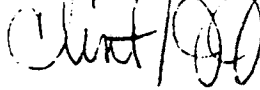
A FINAL THOUGHT

Last night as I was preparing this testimony, I was discussing with my wife and a couple of other persons present at our home the impact of false accusations under this child abuse Hotline. I discussed the situation where a woman recently was arrested, and lost her job because of a Hotline Investigator's findings that she grounded her daughter. My 8 year old daughter

looked at me innocently (after having been grounded for 2 hours recently because of something she did) and asked, "Daddy, why didn't you go to jail when you grounded me?" Although this remark seems funny on the face of it, it is not funny at all. Please do not perpetuate a grotesquely, unfair system and please do not throw the "baby out with the bath water" in getting it cleaned up.

Thank you for the opportunity to share these thoughts and I wish you well in your important task of revising these laws.

Respectively Submitted



Clinton D. Gertney, Ph.D.
Executive Director
Emergency Children's Home
St. Louis, Missouri

ST. LOUIS COUNTY
JUVENILE COURT
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CLAYTON, MISSOURI 63105
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MILTON A. SAITZ
Judge

ROBERT H. BRANOM
WALTON F. LEMAY
Commissioners

KENNETH M. HENSIEK
Chief Juvenile Officer
Director of Social Services
MARIE D. DARGAN
Chief Deputy Juvenile Officer
CORINNE L. RICHARSON
Director of Legal Department
KERRY J. HAMPTON
Director of Operations

September 27, 1985

TO: Representative Kaye Steinmetz
Chairperson
House Committee on Children, Youth and Families

Members of the House Committee on Children, Youth and Families

FROM: Judge Milton A. Saitz
Staff of St. Louis County Juvenile Court

The Juvenile Court in St. Louis County wishes to state its support for Chapter 210, RSMo. and particularly those portions of the statute that establish the hotline for abuse and neglect referrals. We believe that the language in the statute that requires certain individuals to report suspected abuse or neglect to Missouri Division of Family Services central hotline is an extremely important one and ensures that those children that need the protection of either the Division of Family Service or the Juvenile Court are brought to the attention of the proper authorities.

We also support the statutory provision that required Division of Family Services to begin its investigation within 24 hours after receipt of a hotline report. Children at risk need the quick intervention specified in this statute and review by proper authorities to ensure that children are not in danger of continued abuse or neglect.

The staff of the St. Louis County Juvenile Court would be willing to discuss and comment on any projected changes in the hotline reporting and investigating requirements before proposed legislation is developed and introduced.

MAS:ls

Date line, Sept 23rd, 1985

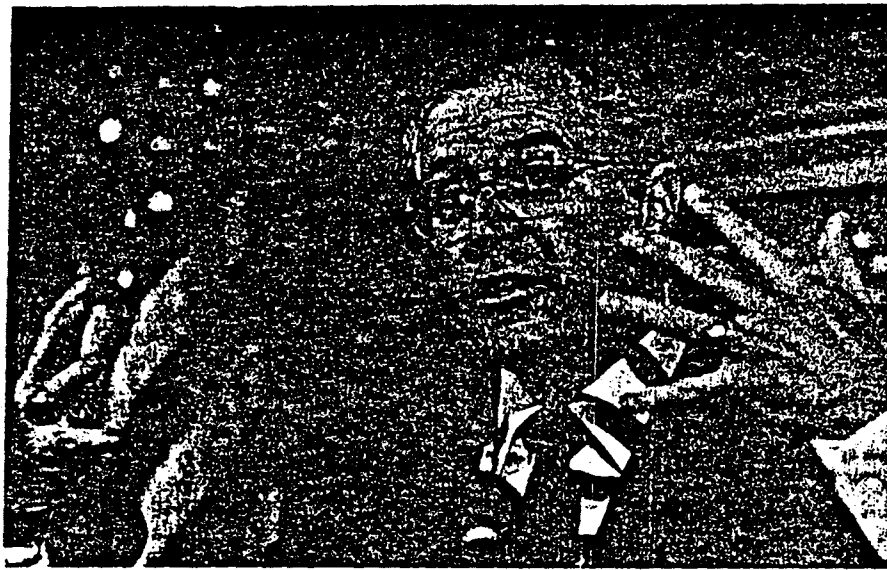
"France admits its agents sank Greenpeace ship under orders."

Mr. Fabius's statements marks the first official French admission of guilt since the so-called Greenpeace affair surfaced two months ago. Prime Minister Laurent Fabius said officials lied during an initial investigation into the sinking of the Rainbow Warrior on July 10th in Auckland, New Zealand.

France said it was truly sorry for sinking the Nuclear-protest ship, but refused to issue a full apology to New Zealand. Paris newspapers said officials discovered that key documents in the case had been destroyed. New Zealand demanded that France pay damages and prosecute its agents for the July 10th incident.

Well, good luck New Zealand. I hope you have better luck than I ~~did~~ ~~when~~ when I asked the state of Missouri to prosecute several of its ~~a~~ case workers in a child/abuse hotline case that ended in what I and many others consider the biggest cover up since Watergate.

If this panel will give me the opportunity to speak without interruption I will show & tell you how my wife and I were harassed



Humphrey presenting the report on the investigation: "The children have clearly suffered"

Disturbing End of a Nightmare

The Scott County sex-abuse cases draw to a confusing close

Jordan, Minn., is a town of Rockwellian prettiness, nestled amid stands of hardwood trees and rolling bluffs. With its four churches, lagoon park and first-rate public school system, the Scott County hamlet (pop. 2,900), 35 miles from Minneapolis-St. Paul, would seem to be a model American community. But over the past year and a half, the town's idyllic image has been eroded by allegations of widespread sexual abuse of children. In all, 24 adults were charged by the local prosecutor with molesting 37 youngsters. Some of the defendants were couples accused of engaging in sexual activities with their own children. Local authorities took 25 children from their parents, placing them in foster homes outside Jordan.

When some of the children alleged last October that one to six youngsters had been murdered, almost all of the child-abuse charges were dropped pending a new investigation by State Attorney General Hubert H. Humphrey III. Last week Humphrey's task force, which included agents from the FBI and the Minnesota bureau of criminal apprehension, released a 29-page report concluding that no murders had been committed. Moreover, the study harshly criticized the original investigation. Said Humphrey: "The manner in which the Scott County cases were handled has resulted in it being impossible to determine, in some cases, whether sexual abuse actually occurred, and if it did, who may have done these acts." The investigation had been so bungled, said the Humphrey report, that no charges would be refiled against the accused.

Jordan's ordeal began in September 1983, when Christine Brown, a mother of five, complained to police that Garbage Collector James Rud had molested her

nine-year-old daughter. Rud, who had twice before been convicted of child molesting, soon implicated Brown and a group of other citizens in tales of orgies and sex games with children.

Under the supervision of Scott County Attorney Kathleen Morris, the number of arrests for alleged child sexual abuse grew. Fear spread through the once tranquil community. Children related detailed incidents of sodomy, incest and bestiality.

One young girl reported being forced to eat a cat and a pet gerbil, "fur and all." A ten-year-old boy said he was kidnaped and driven to a party where whip-wielding women in see-through clothes forced him into sexual acts with other children and adults that were photographed.

Rud pleaded guilty and was eventually sentenced to 40 years in prison. But Robert and Lois Bentz, the first couple to be tried, were acquitted last September. Under brutal cross-examination, some of the prosecution's young witnesses, including the Bentzes' own sons, 10 and 6, recanted or told confusing stories. One neighbor's eleven-year-old boy, who had claimed he had had oral sex with Robert Bentz, testified that his story was "a big lie."

Just as the case of a second couple was going to trial last October, Prosecutor Morris, who had been alternately praised for her persistence and berated as overzealous, suddenly announced that the county was dropping all charges against the remaining

19 defendants. The reason: to spare the children further trauma and safeguard the investigation of the alleged homicides committed by members of the sex ring.

Much of the blame for the clumsy local investigation has been attributed to Morris and her office. The prosecutor apparently played a major role in conducting intensive, prolonged, exhausting interviews with the children. In one case, authorities talked to a nine-year-old girl 20 times, yet there were only four written reports on her sessions. According to the Humphrey report, children were sometimes interviewed together and had a great deal of contact with one another, which could have resulted in the "cross-germination" of allegations. Under questioning from Humphrey's task force, many of the children retracted their stories. One boy who had claimed to have witnessed a teenager's grisly murder admitted to basing his story on a television program he had seen. He said that he lied about the murder to please Morris' investigators. Said an angry Morris: "It's easy to believe a child when they retract because that's what adults want to hear. It's not easy to believe when they're telling you the truth."

The report also found that Scott County police made many arrests without gathering corroborating evidence. "Surveillance techniques were not utilized," the report said. "Search warrants were rarely obtained." To make up for a lack of evidence in one case, Morris is believed to have offered two defendants dismissal of all charges in return for information about the alleged murders.

While most of Jordan's citizens were relieved last week that the investigations seemed to be over, some expressed anger at what they considered a witch-hunt. Others were concerned about the still unresolved fate of twelve children sequestered in foster homes and institutions. Some remained suspicious of neighbors. Said Kathie Voss, a nursery school teacher: "I thoroughly believe that there were both guilty and innocent people involved, and now we'll never know who is who." Seven former defendants have filed lawsuits against the county, demanding up to \$336.3 million in damages. (The tar-

gets—the county board, Morris and her investigators—have hired Lawyer Jim Martin to represent them.)

Humphrey last week described the initial investigation as a tragedy. "The children have clearly suffered," he said. "They have been subjected to a process which undermined their credibility, and as a result, individuals who may have committed sexual abuse will not be prosecuted."

—By Jacob V. Lamar Jr.
Reported by J. Madeleine Nash/Jordan



Morris and Martin

to the point of where my wife spent two weeks in the hospital with a nervous breakdown.

Yes, if allowed to speak I will tell you about a doctor who I have on a telephoned taped conversation who says and I quote "I tell the "DFS" anything they tell me to say. And we reply why would you do that and he replies that if they want him to say a mother is unfit and if that mother is on welfare or ADC and if he has accepted that woman on medicare, then if he doesn't cooperate the DFS will see to it that he will not receive payment from the state.

Yes, I will let you hear a taped telephone conversation with a juvenile officer who says and I quote "Mike you were harassed by the DFS". Who's toes did you step on. You will hear her say that a recent order from the state says that foster parents being accused of child abuse must be investigated by juvenile officers because there is a fear that regular DFS case workers would try to cover it up or downplay the situation.

If I am allowed to speak I will let you hear where she says "she received a unsigned memo saying "leave the Jordans alone" that is unsigned. When I expressed

my amazement and ask why would the great state of Missouri send out memos unsigned in such a cloak & dagger atmosphere. The juvenile officer replied "Mike, you've got them on the run, they are scared and nobody wants to accept responsibility. Yes, I have that and much more on a 45 minute tape."

Let me ~~read~~ read to you a letter of mine rebutting many of the charges made in a written child/abuse report that was signed and certified (which means the case worker signing it certifies that she has investigated the accusations thoroughly and has certified the facts).

➤ Please keep in mind that this letter was sent to a U.S. representative and half the congressmen in this state. It was a 57 page report.

I would also like to read a form letter that says you have a right to a "fair hearing" and all you have to do is make a request. That is either a lie or once again the division of family services has violated its own policies, state statutes and in many cases federal law and the constitution.

I would also like to show you in the child abuse handbook of Missouri where it says ~~that~~ under statute 210.115 that "he, (referring to school officials doctors, policeman, etc etc etc) shall immediately report



NOV 16 1983

CHRISTOPHER S. BOND
GOVERNOR

MISSOURI
DEPARTMENT OF SOCIAL SERVICES
DIVISION OF FAMILY SERVICES
P. O. BOX 88
JEFFERSON CITY
65103

November 9, 1983

Terry Evans
2036 Glendale
Poplar Bluff, MO 63901

Dear Ms. Evans:

At the request of Mike Jordon, I have reviewed the Butler County Division of Family Services file pertaining to the hot line report and subsequent investigation in relation to the care and well being of your daughter, Sara.

Furthermore, the file was reviewed thoroughly by the agency's regional office staff. The regional staff have determined and I concur, that the evidence gathered during the investigation did not substantiate abuse and/or neglect of Sara or warrant further services.

Butler County Division of Family Services is being instructed to close your file.

Sincerely,

Gary W. Thurman
Social Service Field Supervisor

GWT/JO/bf

he wrote on
this date yet
the office in
Butler Co.
still continued
it.

or cause a report to be made to the division of family services. Yet I can show where the policeman involved in my hotline report waited over seven months in one situation and that definitely is in violation of Missouri statutes and there is a criminal penalty for not reporting. I can show you a ~~new~~ newspaper clipping where the state of Nebraska invoked and used that statute against a school principal for not reporting a sexual abuse incident.

Here is a copy of a letter from Gary W. Thurman who is a staff supervisor and he says the investigation did not substantiate abuse or neglect, yet this was six months later after a case worker had already certified that she had documented child abuse. And this letter was sent out because I was putting tremendous pressure on the DFS to give me a fair hearing which I never got and is a direct violation of the 14th amendment of the U.S. Constitution.

Please give me a chance to tell you of all the lies, the stonewalling and the effects that illegal practices of the DFS is having on the poor whites and blacks populace of Missouri.

I can show you dozens of illegal abuses that happened to me and my wife. I made 30,000 in 1983 and I had the money and the education

to fight back. What is the "DFS" doing to poor people who are not as well off as I was?

Please help me. I doubt seriously if I will be allowed to speak very long because what I have to say is embarrassing and causes political damage to many politicians who claim they serve your interests.

Please ask your church leaders to insist that the facts be brought out. I would be glad to speak to any group that would like to hear and read the real truth.

If you have been hurt by the "DFS" remember that I've been there, I know it helps to talk to somebody.

Help me tell my story today so that other innocent people will not have to suffer.

We do not have a Willie Nelson on our side, the farmers have him, AIDS victims have the sympathy of Hollywood's motion picture stars and gay's have the ~~the~~ American Civil Liberties Union to help them. But, the only people who have even hinted at helping victims of state sponsored anti-family child abuse has been the church (more specifically the Lutheran church) I only hope that other churches will follow their lead. Maybe, the religious community understands that any law that encourages people to "Bear false witness" will cause irreparable damage.

Please help me bring about changes in the current child/abuse guidelines and laws.

Please help me to bring about a senate jurisprudence committee hearing so that the people who violated our civil and human rights will be brought to justice.

I am sure many of you have heard of the "rape syndrome" that occurs with most women. They usually have to relive the rape in their dreams and suffer great mental distress. I know how they feel - I can't read a book or watch a movie without having it get me excited and I start reliving the harassment that my wife and I suffered thru. I don't have friends because they say I have changed, I am always thinking on talking about what happened. I can never have peace. Justice delayed is justice denied.

Ne Jordan

POSITION STATEMENT
OF
ST. JOSEPH HEALTH CENTER
ST. CHARLES, MISSOURI

SEPTEMBER 30, 1985

THE WALL STREET JOURNAL.

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REAL ESTATE

Lecturers Tout the Advantages Of Speculating on Foreclosures

By DAVID MILLS

Staff Reporter of THE WALL STREET JOURNAL

THE LOSS OF A HOME through foreclosure can be a nightmare. But not for everyone. A growing number of self-styled experts are lecturing crowds on the investment potential of profiting from others' misfortune. Their pitch is straightforward: By buying foreclosed properties at distress prices and reselling them, investors can rack up considerable gain.

For years, lenders have had relationships with real estate professionals to dispose of foreclosed properties, and the real estate people often do well. But the new breed of lecturers say there's no reason why ordinary individuals can't learn how to speculate in the foreclosure market, and they are willing to teach them for rates ranging up to \$395.

Gary Furstentfeld started his Chicago-area seminars last year and has told about 5,000 people, mostly real estate novices, that they can afford to quit their jobs after buying several distressed properties—possibly with no money down. His seminars have had an effect. Foreclosed property auctions used to draw just lenders. Now, an attorney for Cook County, Ill., says, "We play to a packed house" of rookie speculators.

Hal DeLong in Orange County, Calif., another lecturer, says more than 25,000 people in 30 cities have attended his free introductory seminar, twice the number he drew in 1980. He says, "People think, 'the Realtors are getting all the good deals. How do I get in on that?'"

THERE ARE THREE WAYS to speculate in foreclosures: buying from the homeowner after public notice of default; buying at a sheriff's or trustee's auction and buying from a bank after the property has been taken over.

Mr. Furstentfeld says the first way yields the best bargains. By borrowing, the speculator can settle the back mortgage payments, give the owner some cash for his equity and resell the home. Lecturers say defaulting owners usually don't have the time to sell the homes themselves.

But it's not always as easy as it sounds. Says Ward Hanigan, a San Diego speculator, "You need to have a tremendous amount of information and about \$35,000 to \$40,000 to play the game." He says he finds one good deal out of every 120 foreclosures. Often the outstanding mortgage is too large to allow a fat resale profit, or the property is in a bad area. Mr. Hanigan says if he has to "battle like crazy" to make a deal, "what chance does a guy have on his lunch hour?"

Even if you buy a decent property, the former owners may refuse to leave or "smash the place to splinters," warns George Herzog, a publisher of a daily default listing in San Diego. Mr. DeLong concedes that there's no easy way to get stubborn former owners out of a house. But he tells his students, "I use scare tactics," such as having a uniformed security guard tell the defaulters: "We've had reports of drug dealing and child molesting in the neighborhood, and we're going to be watching you."

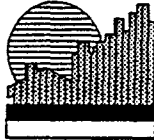
SUCH TACTICS might seem reprehensible to many. But Mr. DeLong says, "It beats hiring a lawyer." If his bluff is called, Mr. DeLong resorts to the courts for an eviction, which can take months.

Greg Kleiman, a DeLong student, learned there are pitfalls to foreclosure speculation. He assumed a \$12,000 fourth trust on a foreclosed home, only to discover another \$6,000 in overdue payments. He paid the money and is now suing to recover it. Still, Mr. Kleiman figures he came out ahead because the house is worth \$80,000. So, he continued to invest in foreclosures.

Among Mr. Furstentfeld's students, the lecturer can recall one example of novices who scored big. Lloyd Weston and E'lynn Gonzales say they bought and renovated a foreclosed home with borrowed money and resold it last April at an \$11,000 profit. Though Mr. Weston thought initially that investing in foreclosed property was "the screwiest scheme we ever heard," the two hope one day to quit their jobs and speculate full time. Ms. Gonzales says an attorney advises them on their deals.

If foreclosures aren't always lucrative, the seminars are profitable enough that Mr. Furstentfeld and Mr. DeLong are thinking of expansion. Mr. DeLong is fanning out through the Midwest and talks of TV programs to promote his lectures. Mr. Furstentfeld says he's talking with investors about franchising his concept.

Some Home Prices in Desirable Areas



INSIDE:

LLOYD'S OF LONDON is criticized on probe delay, page 36.

MEXICO UNVEILS a plan to reshape financial system, page 37.

STOCK MARKET slumps in another lackluster session, page 63.

Social Register Gains Stature, Trims Names

By TRISH HALL

Staff Reporter of THE WALL STREET JOURNAL

When the new edition of the Social Register comes out this week, Sydney Biddle Barrows, known in the New York City tabloids as the Mayflower Madam, probably won't be listed.

Being arrested on charges of running a high-class prostitution ring is definitely the sort of thing that makes one undesirable in certain circles.

Miss Barrows isn't the only one being dropped from the Social Register. The normally secretive association, which has been maintaining a list of socially prominent people for nearly 100 years, says through an anonymous spokesman that 3,500 people who were listed this year will not find themselves in the 1985 edition. The organization has been paring names for the last few years, trying to limit the total to about 33,000.

In a society where stature now stems more from fame, money, achievement or beauty than from blood lines, the idea of the Social Register seems a quaint anachronism. Those who are in it tend to have been born into it. Most are from old, Anglo-Saxon families, and some of them are neither rich nor accomplished nor even particularly social.

Thriving Institution

Nevertheless, the Social Register survives, and perhaps even thrives, apparently under the ownership of one of the best-known publishers in the country, Malcolm S. Forbes, who bought it in the late 1970s.

Mr. Forbes, who has been listed in the Social Register for years, initially denied that he owns it, but then backtracked, saying through a spokesman, "I have nothing to do with it, and I always refuse comment on it." Asked for interpretation, the spokesman suggests, "I would say he's no longer saying he doesn't own it."

Although this guarded response may seem out of character for the outgoing Mr. Forbes, whose public image has been called his greatest creation, it's a proud Social Register tradition. Owners of the Social Register have always tried to remain anonymous—partly to avoid being bothered by those who want to get listed and partly because secrecy contributes to the book's cachet.

Aileen Mehle, a society columnist for the New York Daily News who writes under the name of Suzy, believes that plenty of people still want to get listed in the Social Register, despite their protestations that it's passe. "There are always climbers," she says. "I certainly think it has some status, but not among the highly visible people."

'Chic Chics'

Louis Auchincloss, an author who is listed in the Social Register and who often writes about the upper class, suggests that "the really chic chics won't be in it," and he surmises that "it takes pretty much anybody these days." But Mr. Auchincloss says he doesn't want to talk a lot about the Social Register. "It hangs around my neck like an albatross," he says.

Ma Le

Staff Rep

C. Jameson, direct recreation developers. Some patent, ready creditors of sen, chairs attle-based Trails Inc. ception, he unfounded fair.

But a ct Thousand f counting a deed raises ability to w tious man gin to have gets, those pound them lower stock also made Trails' tem Thousand ator. Found pioneer a ship camp more than ships this y bership roll Wall Street ing public i Last Fri it is having possible a Thousand 1 time high of the-counter at 26, down Voracious.

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Yab On

Staff Rep

CULVER vice chairm Co., doesn't for "2010."

"A blockh says Mr. Yab from the ma

riod, according to the National Federation of Independent Businesses, which surveys about 2,000 of its 560,000 members each quarter.

SMALL BUSINESS investment companies licensed by the SBA invested a total \$425.5 million in 2,755 businesses in the year ended Sept. 30, 1984. For the fourth consecutive year, the same four states got the most money. Ranked by dollar amount they are: California, Texas, New York and Massachusetts.

SBA SUPPORTERS in Congress are confident they can keep the agency alive, though some direct-loan programs may be eliminated. An SBA official, worried last month about the agency's future, is optimistic now because of recent congressional support, saying, "I don't think we have a thing to worry about."

You Can Fool Some of the People All of the Time—At Least in Ohio

By JOLIE B. SOLOMON
Staff Reporter of THE WALL STREET JOURNAL

CINCINNATI—Local retailers and the Chamber of Commerce are breathing normally again. This town is recovering from the great Plummet Mall scam.

The scam dates back to last fall, when the city's radio broadcasters' association asked local adman Jerry Galvin to create a campaign "to get the town buzzing." Mr. Galvin, who is also the host of a mock-serious phone-in show—"Talktalk"—on public radio, went to work.

Waving Red Flags

The first of his ads for a certain Plummet Mall aired in mid-January, advising shoppers to watch for the opening of "the world's first underground vertical shopping mall." The ads were studded with what Mr. Galvin considered red flags, like the statement that Plummet would be served by spiral escalators. And Mr. Galvin thought listeners would be tipped off by the mall's slogan: "The best value in town is a hole in the ground."

But, says Mr. Galvin, "half the town bought it. Especially the half that was thinking with their wallets." Retailers called, worried about new competition underfoot. A pet-store chain wanted to negotiate a lease. A waste disposal company from California wanted a contract. So did a representative from Muzak. The local

Chamber of Commerce was deluged with inquiries.

Then there were those who caught the spirit. Terrence P. Toepker, chairman of the physics department at Xavier University, billed himself as a representative from Systems of Calibration and Measurements or SCAM. He wrote Mr. Galvin, offering to sell underground grocers SCAM's scientifically adjusted scales, which account for the decrease in gravity closer to the center of the earth.

Where Is It?

Excitement cooled when the last ad reported that, because of a severe cold snap, the land underneath the city had shifted, leaving Plummet Mall "somewhere between Cincinnati and Lincoln, Nebraska." The ad concluded, "Watch for the opening of Plummet Mall—SOMEWHERE—soon." Last week, the radio stations came clean, confessed to the joke, and said they had just wanted to demonstrate the effectiveness of radio advertising. The stations are ecstatically contemplating increased ad revenues.

Mr. Galvin, meanwhile, is still wondering about audience gullibility. He had considered a mock campaign on the high cost of hospitalization, featuring a chain of self-surgery outlets called Suture-Self. Says Mr. Galvin: "We'd have gotten calls asking 'Can you really do this?'"

says Mr. Zalman Paul Sicari, s New York's J. F. Trust Co., which offer, acknowledg in such a hot spomment. But he note vided, along with supply the require in backup withho Money withheld: cial institution ca vestor. But taxpay the Zalmans, are when they can tak a credit on their amount withheld account by those mated tax payme money withheld u in 1984 will find ti that financial ins Jan. 31.

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Nick Henny, a terhouse, says mo can be avoided by mation requested count with a brot example. But he s shares held in the fact, "opening one financial institutio tions.

First Fidelity avoids some probl letters to those numbers. But Rl vice president, sa preclude that. In wouldn't identify, 6,000 shareholder "We had a lot says.

When it comes
to child abuse in
Missouri—you can
fool all the people
all of the time

A. INTRODUCTION

St. Joseph Health Center ("Health Center"), owned and operated by Sisters of St. Mary, is located in St. Charles, Missouri. In December, 1984, the Health Center, under the direction of John Brewer, M.D., established a Child Abuse Team to manage the child abuse and neglect cases treated at the Health Center. The Health Center handles approximately fifty such cases annually.

Since the formation of the Child Abuse Team, reports of child abuse by the Health Center are sometimes refused by the Child Abuse Hotline. Examples of recent cases refused by the Child Abuse Hotline include the following:

- (a) Sexual abuse of brother and sister by sixteen-year-old cousin visiting the family for two weeks;
- (b) Sexual abuse by neighbor who entices child from her bedroom at night.

B. CHILD ABUSE HOTLINE'S DENIAL OF CERTAIN CHILD ABUSE REPORTS

Recent refusals of reports by the Child Abuse Hotline have occurred because the receiver of calls felt that available facts did not suggest that the alleged perpetrator had care, custody and control of the child. This policy apparently evolves from the statutory definition of "abuse":

"any physical injury, sexual abuse, or emotional abuse inflicted on a child other than by accidental means by those responsible for his care, custody, and control . . ."

Mo.Rev.Stat. §210.110(1).

The statute defines "those responsible for the care, custody and control of the child" ("custodial persons") as those who are members of the child's household, or "those exercising supervision over a child for any part of a twenty-four hour day." *Id.* at (6). Whenever physical injury, sexual abuse or emotional abuse is inflicted by persons other than custodial persons, a question arises as to whether custodial persons have neglected the child.

The Health Center, its employees and its medical staff members are required to report suspected child abuse or neglect to the Child Abuse Hotline pursuant to Mo.Rev.Stat. §210.15 (Supp. 1984). That statute requires immediate reporting where the reporter "has reasonable cause to suspect that a child has been or may be subjected to abuse or neglect..."

The Child Abuse Hotline's refusal of reports when the health care employee does not provide sufficient facts to establish that the alleged perpetrator has care, custody and control of the child or is a member of the child's household contravenes the legislative intent to protect children from abuse. This policy inappropriately places the health care employee or physician in the role of an investigator.

The child abuse statute clearly states that the Division of Family Services shall investigate the reported child abuse, including the alleged perpetrator. Mo.Rev.Stat. §210.145(4).

When the Child Abuse Hotline refuses to accept reports of suspected child abuse, the health care employee or institution must determine whether the fact of abuse and identity of the perpetrator is sufficiently certain to make a report without the protection of the immunity provided by the child abuse statute. The health care employee is forced to weigh the need to protect the child from further abuse against the possibility that an alleged perpetrator will charge the health care employee, physician or institution with slander.

C. PROPOSED SOLUTIONS

The Health Center proposes the following solutions:

1. The Child Abuse Hotline Should Accept All Reports of Suspected Child Abuse from Health Care Employees, Physicians or Institutions.

It is not the role of a health care employee, physician or institution to determine whether the alleged perpetrator of child abuse or neglect has care, custody and control of the victim. Thus, the Health Center proposes that the Child Abuse Hotline accept all reports of child abuse from health care employees, physicians and institutions. If, upon investigation, the Division of Family Services determines that the suspected abuse or neglect is not within the statutory definition of abuse or neglect and therefore the case is not within its jurisdiction, the Division of Family Services can refer the case to the appropriate law enforcement agency.

If the Child Abuse Hotline accepts all reports by health care employees, physicians and institutions, these persons will not be forced into investigatory roles. Further, because the reports would be made pursuant to the child abuse statute, the health care employees, physicians and institutions will be protected from criminal and civil liability by the immunity provision of the child abuse statute.

2. The Abuse of a Child by One Who Does Not Have Care, Custody and Control May Constitute Neglect by Those Who Do.

Some instances in which the suspected abuse is by a person other than one who has care, custody and control of the child may involve neglect by those who do. Where a child is secreted from her bedroom during the night and sexually abused by a neighbor, the child's parents may be neglectful for failing to notice the disappearance. Similarly, where the perpetrator is a temporary member of the household, the parents may be neglectful for leaving the child unattended. In addition, the cousin should fit within the reference to "other members of the child's household" in the statutory definition of those responsible for care, custody and control. Thus, in certain circumstances, the Child Abuse Hotline should accept reports of abuse by persons other than those who have care, custody and control on the basis of neglect by those who do.

3. The Missouri Legislature Should Statutorily Provide Immunity for Persons Who Report Child Abuse to Law Enforcement Agencies.

As a final solution, the Health Center proposes that the Missouri legislature amend Chapter 210 to provide for immunity from liability for the reporting of child abuse or neglect where the perpetrator does not have care, custody and control of the child. Such reports, under the current definition of child abuse, would not be made to the Child Abuse Hotline, but to a law enforcement agency.

D. CONCLUSION

St. Joseph Health Center, as does the Missouri Legislature, wants to insure the protection of all children from abuse and neglect. The Health Center and its medical staff desire to attend to such children's physical and emotional needs.

These functions cannot be properly performed, however, if the health care professionals are also burdened with investigatory responsibilities or are concerned about their personal liability in reporting suspected abuse. In addition, any care provided is of only temporary benefit if the perpetrator of the abuse is not stopped because the abuse does not fall within the definition of the child abuse statute.

St. Joseph Health Center would be happy to provide any further information or assistance necessary to address this problem.

3095s
93085

AN ACT

To repeal sections 210.140, 210.145, 210.152, and 210.165, RSMo Supp. 1984, relating to child abuse and neglect, and to enact in lieu thereof five new sections relating to the same subject, with penalty provisions.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:

Section A. Sections 210.140, 210.145, 210.152, and 210.165, RSMo Supp. 1984, are repealed and five new sections enacted in lieu thereof, to be known as sections 210.109, 210.140, 210.145, 210.152, and 210.165, to read as follows:

210.109. The provisions of sections 210.110 to 210.167 shall be construed so as to promote the best interests and welfare of the child in recognition of the entitlement of every child to a safe home.

210.140. 1. Any legally recognized privileged communication, except that between attorney and client, shall not apply to situations involving known or suspected child abuse or neglect and shall not constitute grounds for failure to report as required or permitted by sections 210.110 to 210.165, to cooperate with the division in any of its activities pursuant to sections 210.110 to 210.165, or to give or accept evidence in any judicial proceeding relating to child abuse or neglect.

2. Notwithstanding the provisions of subsection 1 of this section, in any case involving an abused or neglected child which results in a criminal proceeding, the person who investigated the report of suspected abuse or neglect for the division shall be incompetent to testify in regard to any verbal or written communication made to him during the investigation by any person responsible for the care, custody and control of the child. Such incompetency to testify shall be strictly limited to verbal and written communications made by the person

EXPLANATION -- Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

responsible for the care, custody and control of the child to the person who investigated the report but such incompetency shall not extend to photographs and other physical evidence obtained by the investigator.

210.145. 1. The division shall establish and maintain a telephone service operating at all times, capable of receiving reports made pursuant to sections 210.110 to 210.165. This service shall receive reports over a single, statewide toll free number.

2. The division shall maintain a central registry capable of receiving and maintaining reports received pursuant to sections 210.110 to 210.165, in a manner that facilitates rapid access and recall of the information reported, and of subsequent investigations and other relevant information. The division shall electronically record any telephone report received by the division.

3. Upon receipt of a report pursuant to sections 210.110 to 210.165, the division shall immediately communicate such report to its appropriate local office, communication to be by telephone after a check has been made with the central registry to determine whether previous reports have been made regarding actual or suspected abuse or neglect of the subject child, of his siblings, and the perpetrator, and relevant dispositional information regarding such previous reports. Such relevant information as may be contained in the central registry shall be also reported to the local office of the division.

4. The local office of the division shall cause a thorough investigation to be initiated immediately or no later than within twenty-four hours of receipt of the report from the division, [the primary purpose of such investigation being the protection of the child] except in cases where the sole basis

for the report is educational neglect. If the report indicates that educational neglect is the only complaint and there is no suspicion of other neglect or abuse, the investigation shall be initiated within seventy-two hours of receipt of the report. If the report indicates the child is in danger of serious physical harm or threat to life, an investigation shall include direct observation of the subject child within twenty-four hours of the receipt of the report. The investigation shall include but not be limited to the nature, extent, and cause of the abuse or neglect; the identity and age of the person responsible therefor; the names and conditions of other children in the home, if any; the home environment and the relationship of the subject child to the parents or other persons responsible for his care; and other pertinent data. When a report has been made by a person required to report under section 210.115, the local office of the division shall contact the person who made such report within forty-eight hours of the receipt of the report in order to insure that full information has been received and to obtain any additional information or medical records, or both, that may be pertinent.

5. Protective social services shall be provided by the local office of the division to the subject child and to others in the home to prevent further abuse or neglect, to safeguard their health and welfare, and to help preserve and stabilize the family whenever possible. The juvenile court shall cooperate with the division in providing such services.

6. Multidisciplinary services shall be utilized whenever possible in making the investigation and in providing protective social services, including the services of the juvenile officer, the juvenile court, and other agencies, both public and private. The division shall cooperate with the highway patrol and

juvenile courts to develop training programs to increase the ability of division personnel, juvenile officers and law enforcement officers to investigate suspected cases of abuse and neglect.

7. As a result of its investigation, the local office of the division shall report a child's injuries or disabilities from abuse or neglect to the juvenile officer, and may make such report to the appropriate law enforcement authority.

8. Within thirty days of an oral report of abuse or neglect from the division, the local office shall file a written report with the central registry on forms supplied by the division for that purpose. The report shall contain the facts ascertained, a description of the services offered and accepted, those responsible for the care of the subject child, and other relevant dispositional information. The written report shall be updated at regular intervals for as long as the subject child or his family, or both, are receiving services.

9. A person required to report under section 210.115 to the division shall be informed by the division of his right to obtain information concerning the disposition of his report. Such person shall receive, from the local office, if requested, information on the general disposition of his report. The local office shall respond to the request within forty-five days.

10. In any judicial proceeding involving the custody of a child, evidence that a report was made to the division pursuant to this section shall not be admissible unless the results or findings of the division's investigation of that report are introduced as evidence.

[10.] 11. The division shall promulgate rules and regulations governing the operation of the central registry, except as otherwise provided for in sections 210.110 to 210.165.

Any rule or portion of a rule promulgated [may be suspended by the joint committee on administrative rules if after hearing thereon the committee finds that such rule or portion of a rule is beyond or contrary to the statutory authority of the agency which promulgated the rule, or is inconsistent with the legislative intent of the authorizing statute. The general assembly may reinstate such rule by concurrent resolution signed by the governor] under any authority in this section may be suspended by the joint committee on administrative rules at any time. No rule or portion of a rule promulgated under any authority granted in this section shall become effective until it has been approved by the joint committee on administrative rules. If the joint committee on administrative rules neither approves nor disapproves a rule within thirty days after the notice of proposed rulemaking has been published in the Missouri Register, the rule shall stand approved. In the event the joint committee on administrative rules disapproves or suspends a rule, the joint committee shall notify both the department or agency proposing the rule and the secretary of state. The secretary of state shall publish in the Missouri Register as soon as practicable, an order withdrawing the rule. The provisions of this section are nonseverable and the grant of rulemaking authority is essentially dependent on the review power vested with the joint committee on administrative rules. If the review power is held unconstitutional or invalid, the grant of rulemaking authority shall also be invalid or void.

210.152. 1. All identifying information, including telephone reports recorded pursuant to section 210.145, relating to reports of abuse or neglect received by the division shall be retained by the division and removed from the records of the division as follows:

(1) For reports in which abuse or neglect is court adjudicated, in which there is reason to suspect abuse or neglect to exist in the judgment of the division, or in which a child is at risk of abuse or neglect in the judgment of the division, identifying information shall be retained for five years from the date of the report or from the date of the closing of a case opened by the division in response to the report, whichever is later. At the end of such period, the identifying information shall be removed from the records of the division;

(2) For reports in which no evidence of abuse or neglect is found by the division, identifying information shall be retained for [six months] ninety days and then shall be removed from the records of the division;

(3) For reports in which the division is unable to locate the child alleged to have been abused or neglected, identifying information shall be retained for five years from the date of the report and then shall be removed from the records of the division.

2. Within six months after receipt of a report of abuse or neglect, the suspected perpetrator named in the report and the parents of the child named in the report, if the suspected perpetrator is not a parent, shall be sent notice of one of the following:

(1) There is reason to suspect abuse or neglect to exist or there is reason to suspect the child to be at risk of abuse or neglect in the judgment of the division and the identifying information regarding the abuse or neglect will be retained by the division for a period of five years; or

(2) There is no evidence of abuse or neglect and all identifying information on the report has been removed from the

division's records.

3. The written notice required by subsection 2 of this section shall also provide that any person named as a suspected perpetrator who is aggrieved by any decision of the division to retain identifying information as provided by subsection 1 of this section may seek judicial review in a court of competent jurisdiction.

210.165. 1. Any person violating any provision of sections 210.110 to 210.165 is guilty of a class A misdemeanor.

2. Any person who intentionally files a false report of child abuse or neglect shall be guilty of a class A misdemeanor.

3. Every person who has been previously convicted of making a false report to the division of family services and who is subsequently convicted of making a false report under subsection 2 of this section is guilty of a class D felony and shall be punished as provided by law.

4. Evidence of prior convictions of false reporting shall be heard by the court, out of the hearing of the jury, prior to the submission of the case to the jury, and the court shall determine the existence of the prior convictions.